

# GENERAL INDEX.

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Leading Articles; New Orders; Obituary; Reviews; Statutes, New.

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Alverstone, Lord, elected Treasurer of Lincoln's-inn, 36  
Barnes, Sir G., sworn a Member of the Privy Council, 284  
Barton, T., appointed Official Receiver in Bankruptcy for Salisbury, Yeovil, and Dorchester, 387  
Birchall, G., elected Common Councillor of the City of London, 153  
Bompas, Judge, K.C., elected Treasurer of the Inner Temple, 88  
Boxall, W. P. G., K.C., appointed Recorder of Rye, 826  
Boyle, E., K.C., made a Baronet, 36  
Brinsley-Harper, F., appointed a Commissioner of the High Court of Judicature at Bombay, 743  
Brougham, H. de V., appointed Senior Official Receiver in Companies Liquidation, 36  
Brown, L. M., appointed Stipendiary Magistrate of Birmingham, 622  
Bunting, W. S., appointed Solicitor Thames Conservancy, 104  
Chasley, G. A., appointed a Justice of the Peace for the County of Bucks, 485  
Clarke, J. B., J.P., appointed Registrar of the Diocese and Archdeaconry of Birmingham, 715  
Clarke, P., appointed one of the Counsel of the Board of Trade in Bankruptcy and Companies Winding up, 715  
Clyde, J. A., K.C., appointed Solicitor-General for Scotland, 816  
Collins, Sir A., K.C., elected Treasurer of Gray's-inn, 554  
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Dugdale, J. S., K.C., appointed Chancellor of the Bishopric of Birmingham, 715  
Dundas, D., K.C., appointed a Senator of his Majesty's College of Justice in Scotland, 234  
Foote, J. A., K.C., elected a Benchler of Lincoln's-inn, 36  
Ford, C., appointed London Agent of the Sheriff of the City of Worcester, 104  
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Graham, A., appointed Recorder of Bridgnorth, 462  
Grantham, W. W., appointed Recorder of Deal, 301  
Hamilton, H. B. H., appointed a County Court Judge, 657  
Hammond-Chambers, R. S. B., K.C., elected a Benchler of Lincoln's-inn, 206  
Hansell, E. W., appointed Counsel to the Board of Trade, 301  
Harbottle, D. L., appointed Deputy Town Clerk of Bolton, 760  
Hardy, O. H., appointed a Registrar of his Majesty's Court of Probate, London, 568  
Harrison, W. E., K.C., appointed Commissioner of Assize, North Wales Circuit, 187  
Hayes, W., elected Secondary of the City of London and High Bailiff of Southwark, 436  
Helder, A., M.P., receives the honour of Knighthood, 611  
Herchenroder, F. A., appointed Procureur and Advocate-Gen ral for Mauritius, 336  
Hughes, T. R., K.C., elected a Benchler of Lincoln's-inn, 301  
Hulbert, C., appointed a Master in the Chancery Division, 177  
Hume-Williams, W. E., K.C., appointed Recorder of Norwich, 583  
Iliffe, L. S., LL.D., appointed Solicitor to the River Wear Commissioners, 689  
Innes, P. R., appointed Recorder of Sandwich, 462  
Isaacs, R., K.C., M.P., elected a Benchler of the Middle Temple, 244  
Jamieson, A., M.A., K.C., appointed a Senator of his Majesty's College of Justice in Scotland, 171  
Jardine, J., K.C., elected a Benchler of the Inner Temple, 88  
Johnston, H., K.C., appointed a Senator of his Majesty's College of Justice in Scotland, 502  
Kenrick, G. H. B., LL.D., appointed to the Joint Board of Examiners of the Inns of Court, 70  
Lawrence, Mr. Justice A. T., receives the honour of Knighthood, 56  
Leslie, J. W. St. L., appointed a Revising Barrister Oxford Circuit, 622  
Lewis, A. G. P., appointed Stipendiary Magistrate at Pontypridd, 657  
Lowe, A. L., M.A., LL.B., appointed Registrar Birmingham County Court, 187  
Mackarness, F., appointed to the Chair of Roman-Dutch Law in University College, London, 689  
Mackenzie, M. J. M., appointed an Official Referee of the Supreme Court, 177  
Manisty, H. F., K.C., appointed Recorder of Berwick, 657  
Manfield, J. W., appointed Revising Barrister, Northern Circuit, 703  
Maund, A. A., appointed Under-Sheriff of the City of Worcester, 104  
Milner-Jones, E., appointed Recorder of Carmarthen, 715, 736  
Milvain, T., K.C., M.P., appointed Judge-Advocate-General, 739  
Mortimer, G. F. L., appointed Recorder of Rotherham, 657  
Muirson, J. W., appointed Assistant Judge of his Majesty's Court for Zanzibar, 485  
Murray, A. G., M.P., appointed Lord Justice General and Lord President of the Court of Session in Scotland, 234  
Neville, R. J., appointed Recorder of Bury St. Edmunds, 583  
Page, E., K.C., appointed Recorder of Carlisle, 153  
Parfitt, J. J., appointed Junior Counsel to Post Office on Midland Circuit, 773  
Parker, S., appointed Town Clerk of Bolton, 760  
Pickford, W., K.C., appointed Recorder of Liverpool, 21, 71  
Piggott, F. T., appointed Chief Justice of the Colony of Hong Kong, 336; receives the honour of Knighthood, 622  
Platt, S. P., appointed Senior Assistant Secretary Estate Duty Office, 104

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 Richards, H. C., K.C., M.P., elected Treasurer of Gray's-inn, 244  
 Rowlatt, S. A. T., appointed Recorder of Windsor, 120  
 Salvsen, E. T., K.C., appointed Solicitor-General for Scotland, 234; appointed a Senator of his Majesty's College of Justice in Scotland, 808  
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 Solomon, G. E., appointed a Commissioner in London for the High Court of Bombay, 841  
 Soward, A. W., appointed Assistant Secretary Estate Duty Office, 104  
 Steel, G., K.C., appointed Recorder of Oldham, 21  
 Stephenson, G., appointed an Assistant Solicitor to the Treasury, 703  
 Sylvester, F. A. P., appointed Coroner for Mid-Wilts, 710  
 Torr, J. F., appointed Recorder of Hastings, 301  
 Trevor, A. H., appointed Secretary to the Commissioners in Lunacy, 21  
 Turner, S., appointed Judge of his Majesty's Court of Siam, 485  
 Underhill, A., LL.D., appointed Conveyancing Counsel of the High Court of Justice, 611  
 Upjohn, W. H., K.C., elected a Bencher of Lincoln's-inn, 657  
 Vincent, A. R., appointed Second Assistant Judge of his Majesty's Court for Zanzibar, 485  
 Walford, L. J., appointed Town Clerk of the Borough of Holborn, 622  
 Wardle, F. D., elected Town Clerk of Bath, 104  
 Warrington, K.C., elected Treasurer of the Middle Temple, 88  
 Westmacott, D., appointed First Legal Assistant to the Commissioners of Woods and Forests, 353  
 Wheeler, T. W., K.C., appointed a County Court Judge, 611  
 Wilkinson, R., appointed a Revising Barrister on the South-Eastern Circuit, 583  
 Wragge, R. H. V., appointed Recorder of Pontefract, 826  
 Wright, E. B., appointed Chief Justice of the Seychelles  
 Wright, Thos. R. D., appointed Recorder of Bradford, 785  
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# The Public General Statutes

FOR THE SESSION

5 EDWARD 7, 1905.

[STATUTES OF PRACTICAL IMPORTANCE RELATING TO ENGLAND AND WALES ONLY  
ARE SET OUT AT LENGTH.]

"SOLICITORS' JOURNAL" OFFICE, 27, CHANCERY LANE, LONDON.

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# STATUTES.

5 EDW. 7.

## CHAPTER 1.

[Consolidated Fund (No. 1) Act, 1905.]

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand nine hundred and five and one thousand nine hundred and six.

[30th March 1905.]

## CHAPTER 2.

[Army (Annual) Act, 1905.]

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army.

[14th April 1905.]

Whereas the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of two hundred and twenty-one thousand three hundred, including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions:

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet nevertheless, it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law, in their duty, that an exact discipline

be observed, and that persons belonging to the said forces who mutiny or stir up sedition, or desert His Majesty's service, are guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

And whereas the Army Act [44 & 45 Vict. c. 58] will expire in the year one thousand nine hundred and five on the following days:

- (a) In the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and
- (b) Elsewhere in Europe, inclusive of Malta, and also in the West Indies and America, on the thirty-first day of July; and
- (c) Elsewhere, whether within or without His Majesty's dominions, on the thirty-first day of December:

Be it therefore enacted, &c.:

1. *Short title.*] This Act may be cited as the Army (Annual) Act, 1905.

2. *Army Act to be in force for specified times.*—(1) The Army Act shall be and remain in force during the periods herein-after mentioned, and no longer, unless otherwise provided by Parliament (that is to say):—

- (a) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the thirtieth day of April one thousand nine hundred and five to the thirtieth day of April one thousand nine hundred and six, both inclusive; and
- (b) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, from the thirty-first day of July one thousand nine hundred and five to the thirty-first day of July one thousand nine hundred and six, both inclusive; and
- (c) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of December one thousand nine hundred and five to the thirty-first day of December one thousand nine hundred and six, both inclusive.

(2) The Army Act, while in force, shall apply to persons subject to military law, whether within or without His Majesty's dominions.

(3) A person subject to military law shall not be exempted from the provisions of the Army Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the number hereinbefore mentioned.

3. *Prices in respect of billeting.*] There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act the prices specified in the Schedule to this Act.

## SCHEDULE.

| Accommodation to be provided.  | Maximum Price.                              |
|--|---|
| Lodging and attendance for soldier where hot meal furnished.   | Fourpence per night.                        |
| Hot meal as specified in Part I. of the Second Schedule to the Army Act.   | One shilling and threepence halfpenny each. |
| Breakfast as so specified . . .  | One penny halfpenny each.                   |
| Where no hot meal furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat. | Fourpence per day.                          |
| Ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.  | One shilling and ninepence per day.         |
| Lodging and attendance for officer.  | Two shillings per night.                    |

*Note.*—An officer shall pay for his food.

## CHAPTER 3.

[Licensing (Ireland) Act, 1905.]

An Act to amend the Law as to the Hours of Closing of Licensed Premises on Christmas Day in Ireland.

[30th June 1905.]

## CHAPTER 4.

[Finance Act, 1905.]

An Act to grant certain duties of Customs and Inland Revenue, to alter other duties, and to amend the Law relating to Customs and Inland Revenue and the National Debt, and to make other provisions for the financial arrangements of the year.

[30th June 1905.]

Be it enacted, &c.:

## PART I.

### CUSTOMS AND EXCISE.

1. *Duty on tea.*] There shall, on and after the first day of July nineteen hundred and five, until the first day of July nineteen hundred and six, be charged, levied, and paid on tea imported into Great Britain or Ireland the following duty (that is to say):—

Tea, the pound . . . sixpence.

**2. Continuance of additional customs duties and drawbacks on tobacco, beer, and spirits.]** The additional duties of customs on tobacco, beer, and spirits imposed by sections two, three, four, and five of the Finance Act, 1900 [63 & 64 Vict. c. 7] (including the increased duties imposed by section five of that Act), shall continue to be charged, levied, and paid until the first day of July nineteen hundred and six, and, as regards the period for which any additional drawback is allowed under the said section four, July nineteen hundred and six shall be substituted for August nineteen hundred and one.

**3. Continuance of additional excise duties and drawbacks on beer and spirits.]** The additional duties of excise on beer and spirits imposed by sections six and seven of the Finance Act, 1900 [63 & 64 Vict. c. 7], shall continue to be charged, levied, and paid until the first day of July nineteen hundred and six, and, as regards the period in respect of which any additional drawback is allowed under the said section six, July nineteen hundred and six shall be substituted for August nineteen hundred and one.

**4. Abolition of warehouse delivery charges.]** The rates charged under section six of the Finance Act, 1904 [4 Edw. 7, c. 7], and section seven of the Customs and Excise Warehousing Act, 1869 [32 & 33 Vict. c. 103], on the delivery of goods from a warehouse for home consumption, shall cease to be chargeable.

## PART II.

## STAMPS.

**5. Abolition of stamp duty on export bonds, &c., and on delivery orders.]—(1)** The stamp duty charged by the Stamp Act, 1891 [54 & 55 Vict. c. 39], under the heading in the heading in the First Schedule to that Act, "Bond given pursuant to the directions of any Act, &c.," shall cease to be chargeable on bonds given in respect of removal, transhipment, exportation, carriage coastwise, or shipment as stores of any goods, and the exemption under that heading shall be construed as if it included such bonds.

(2) The stamp duty charged by the Stamp Act, 1891, under the heading "Delivery Order" in the First Schedule to that Act shall cease to be chargeable.

## PART III.

## INCOME TAX AND INHABITED HOUSE DUTY.

**6. Income tax for 1905-1906.]—(1)** Income tax for the year beginning on the sixth day of April nineteen hundred and five shall be charged at the rate of one shilling.

(2) All such enactments relating to income tax as were in force on the fifth day of April nineteen hundred and five shall have full force and effect with respect to the duty of income tax hereby granted.

(3) The annual value of any property, which has been adopted for the purpose either of income tax under Schedules A. and B. in the Income Tax Act, 1853 [16 & 17 Vict. c. 34], or of inhabited house duty, during the year ending on the fifth day of April nineteen hundred and five, shall be taken as the annual value of such property for the same purpose during the next subsequent year; provided that this sub-section—

(a) so far as respects the duty on inhabited houses in Scotland, shall be construed with the substitution of the twenty-fourth day of May for the fifth day of April; and

(b) shall not apply to the Metropolis as defined by the Valuation (Metropolis) Act, 1869 [32 & 33 Vict. c. 67].

## PART IV.

## NATIONAL DEBT.

**7. Repayment of money raised under the Supplemental War Loan Acts of 1900.]—(1)** Any sums required for paying off any Exchequer bonds issued under the Supplemental War Loan Acts of 1900 [63 & 64 Vict. c. 61; 64 Vict. c. 1], and falling due in December nineteen hundred and five, may, up to an amount not exceeding ten million pounds, be raised by means of the issue of Exchequer bonds, which shall be paid off in ten years from the date of issue at the rate of one-tenth part of the total issue in each year.

(2) The bonds to be redeemed shall be drawn

in each year in accordance with regulations made by the Treasury, and the bonds so drawn in any year shall be redeemed on the eighteenth day of April in that year by the application for the purpose of the requisite part of the new sinking fund of the previous financial year, at the rate of one hundred pounds sterling for every one hundred pounds of the bond.

(3) Exchequer bonds issued under this section shall, notwithstanding anything in section twenty-six of the Exchequer Bills and Bonds Act, 1866 [29 & 30 Vict. c. 25], be made out and issued with coupons for the interest becoming due thereon for a term of ten years from the date thereof.

(4) The amount of the permanent annual charge for the National Debt under section one of the Sinking Fund Act, 1875 [38 & 39 Vict. c. 45], during the current and every subsequent financial year shall be the sum of twenty-eight instead of twenty-seven million pounds.

(5) Any sums required for defraying any expenses incurred in connection with raising or paying off any money raised under this section, and the principal of and interest on any Exchequer bonds issued under this section, shall be charged on and be payable out of the Consolidated Fund of the United Kingdom or the growing produce thereof, and as to the interest shall be paid as part of the permanent annual charge for the National Debt.

## PART V.

## GENERAL.

**8. Repeal, construction, and short title.]—(1)** The Acts specified in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

(2) Part I. of this Act so far as it relates to duties of customs shall be construed together with the Customs Consolidation Act, 1876 [39 & 40 Vict. c. 36], and the Acts amending that Act, and so far as it relates to duties of excise shall be construed together with the Acts which relate to the duties of excise and the management of those duties.

(3) This Act may be cited as the Finance Act, 1906.

## SCHEDULE.

## ENACTMENTS REPEALED.

| Session and Chapter.  | Short Title.                                  | Extent of Repeal.   |
|-----------------------|---|---|
| 32 & 33 Vict. c. 103. | The Customs and Excise Warehousing Act, 1869. | The whole Act, so far as unrepealed.  |
| 39 & 40 Vict. c. 36.  | The Customs Consolidation Act, 1876.          | Section one hundred and four, from "but no such notice" to the end of the section.  |
| 54 & 55 Vict. c. 39.  | The Stamp Act, 1891.                          | Sections sixty-nine, seventy, and seventy-one. In the First Schedule the words "DELIVERY ORDER—0 0 1. And see sections 69, 70, and 71." |
| 3 Edw. 7, c. 8.       | The Finance Act, 1903.                        | Sub-section (1) of section six.   |
| 3 Edw. 7, c. 46.      | The Revenue Act, 1903.                        | Section six.  |
| 4 Edw. 7, c. 7.       | The Finance Act, 1904.                        | Section six.  |

## CHAPTER 5.

[*Mr. Speaker's Retirement Act, 1905.*]

An Act to settle and secure an Annuity upon the Right Honourable William Court Gully in consideration of his eminent Services.  
[11th July 1905.]

Most Gracious Sovereign,

Whereas the Commons of the United Kingdom

of Great Britain and Ireland did, by an humble address to Your Majesty, pray Your Majesty that you would be graciously pleased to confer some signal mark of your royal favour upon the Right Honourable William Court Gully, Speaker of the House of Commons, for his eminent services during the important period in which he had with such distinguished ability and dignity presided in the Chair of the House, and did assure Your Majesty that whatever expense Your Majesty should think proper to be incurred upon that account the said House would make good the same:

And whereas Your Majesty in answer to the said address was graciously pleased to declare that Your Majesty was desirous, in compliance with the wishes of your faithful Commons, to confer upon the said Right Honourable William Court Gully some signal mark of your royal favour, but as the same could not be effectually granted and secured without the concurrence of Parliament, Your Majesty recommended to the House of Commons the adoption of such measures as might be necessary for the accomplishment of that purpose:

Now we, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, have resolved that the annual sum of four thousand pounds be granted to Your Majesty out of the Consolidated Fund of the United Kingdom, to begin upon the day upon which the Right Honourable William Court Gully, late Speaker of the House of Commons, ceased to hold the office of Speaker of the House of Commons, to be settled in the most beneficial manner upon, and to continue during the life of, him the said Right Honourable William Court Gully, and do most humbly beseech Your Majesty that it may be enacted, and be it enacted, &c.:—

**1. Annuity of £4,000 to be paid to the Right Honourable William Court Gully.]** One annuity of four thousand pounds shall be charged upon and payable quarterly out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, to the Right Honourable William Court Gully, during his natural life, beginning on the day upon which he ceased to hold the office of Speaker of the House of Commons: Provided that one half of the annuity shall abate and be suspended during any period that the said Right Honourable William Court Gully hereafter holds any place, office, or employment under His Majesty of equal or greater amount in salary, profits, or emolument than the amount of the annuity.

**2. Treasury to direct payment of annuity.]** The Treasury are hereby authorized and required by warrants under their hands to direct the payment of the said annuity according to the provisions of this Act.

**3. Short title.]** This Act may be cited as Mr. Speaker's Retirement Act, 1905.

## CHAPTER 6.

[*Consolidated Fund (No. 2) Act, 1905.*]

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and six.  
[11th July 1905.]

## CHAPTER 7.

[*War Stores (Commission) Act, 1905.*]

An Act to facilitate the proceedings of the Commissioners appointed to hold an Investigation respecting War Stores in South Africa.  
[11th July 1905.]

Whereas a Commission has been issued by His Majesty whereby the Honourable Mr. Justice Farwell, the Right Honourable Sir George Taubman-Goldie, K.C.M.G., Field Marshal Sir George White, G.C.B., Sir Francis Mowatt, G.C.B., and Samuel Hope Morley, Esquire (hereinafter referred to as "the Commissioners"), have been authorized and directed to investigate and report upon the allegations made in the report of the committee presided over by Lieutenant-General Sir W. F. Butler, K.C.B., dated May 22nd last; and all the circumstances connected with contracts, sales, and refunds to or by contractors in South Africa or elsewhere after the conclusion

of peace, and any previous transactions which may throw light on them; and further to report upon the responsibility of the persons concerned, whether in this country or in South Africa:

And whereas it is desirable to make provision for the more effective conduct by the Commissioners of any investigation which they may be authorized to make:

Be it therefore enacted, &c.:

1. *Powers of Commissioners.*—(1) The Commissioners shall have all such powers, rights, and privileges as are vested in the High Court or in any judge thereof, on the occasion of any action in respect of the following matters:—

- (i) The enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise, and the issue of a commission or a request to examine witnesses abroad; and
- (ii) The compelling the production of documents; and
- (iii) The punishing persons guilty of contempt;

and a summons signed by one or more of the Commissioners may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(2) A warrant of committal to prison issued for the purpose of enforcing the powers conferred by this section shall be signed by one or more of the Commissioners, and shall specify the prison to which the offender is to be committed, but shall not authorize the imprisonment of an offender for a period exceeding three months.

(3) Every person who on examination on oath or affirmation before the Commissioners wilfully gives false evidence shall be liable to the penalties for perjury.

2. *Indemnity to witnesses.*—(1) A person examined as a witness by the Commissioners shall not be excused from answering any question put to him, or from producing any document, on the ground that the answer thereto or production thereof may criminate or tend to criminate him.

(2) Every person examined as a witness who, in the opinion of the Commissioners, make a full and true disclosure touching all the matters in respect of which he is examined, shall be entitled to receive a certificate signed by the Commissioners, stating that the witness has, on his examination, made a full and true disclosure as aforesaid.

(3) If any criminal proceeding (including a proceeding by court-martial) is at any time thereafter instituted against any such witness, in respect of any matter touching which he has been so examined, the court having cognizance of the case shall, on his application, and on proof of the certificate, stay the proceeding.

(4) Nothing in this section shall apply to the case of proceedings for having given false evidence before the Commissioners, or of having procured, or attempted or conspired to procure, the giving of such evidence.

3. *Short title and extent.*—(1) This Act may be cited as the War Stores (Commission) Act, 1905.

(2) This Act apply only with respect to sittings of the Commissioners in the United Kingdom.

## CHAPTER 8.

[*Agricultural Rates Act, 1896, &c., Continuance Act, 1905.*]

An Act to extend the Agricultural Rates Act, 1896, &c., Continuance Act, 1901.

[4th August 1905.]

Be it enacted, &c.:

1. *Extension of 1 Edw. 7, s. 13, for four years.*—The Agricultural Rates Act, 1896, &c., Continuance Act, 1901, shall have effect as if "one thousand nine hundred and ten" were substituted for "one thousand nine hundred and six" wherever those words occur.

2. *Short title.*—This Act may be cited as the Agricultural Rates Act, 1896, &c., Continuance Act, 1905.

## CHAPTER 9.

[*Coal Mines (Weighing of Minerals) Act, 1905.*]

An Act to amend the provisions of the Coal Mine Regulation Act, 1887, which relate to the Weighing of Minerals.

[4th August 1905.]

Be it enacted, &c.:

1. *Amendments of 50 & 51 Vict. c. 58, s. 13 as to check weighers.*—(1) The power conferred by the principal Act on the persons employed in a mine, and paid according to the weight of the mineral gotten by them, to appoint a check weigher, shall include power to appoint a deputy to act in the absence of the check weigher for reasonable cause, and the expression "check weigher" when used in the principal Act and in this Act shall include any such deputy check weigher during such absence as aforesaid.

(2) A statutory declaration, made by the person who presided at a meeting for the purpose of appointing a check weigher, or deputy check weigher, to the effect that he presided at that meeting, and that the person named in the declaration was duly appointed check weigher or deputy check weigher, as the case may be, by that meeting, shall be forthwith delivered to the owner, agent, or manager of the mine, and shall be *prima facie* evidence of that appointment.

(3) Where the check weigher or deputy check weigher was appointed by a majority ascertained by ballot of the persons employed in the mine, and paid according to the mineral gotten, the declaration shall so state, and if he was not so appointed, then it shall state the names of the persons by whom or on whose behalf the check weigher or deputy check weigher was appointed. Where a check weigher or deputy check weigher is appointed by such a majority as aforesaid, he shall be deemed to be appointed on behalf of all the persons employed in the mine who are entitled to appoint him.

(4) The facilities to be afforded to a check weigher under section thirteen of the principal Act shall include provision for a check weigher of a shelter from the weather, containing the number of cubic feet requisite for two persons, a desk or table at which the check weigher may write, and a sufficient number of weights to test the weighing machine.

(5) When a check weigher or deputy check weigher is appointed by a majority ascertained by ballot of the persons employed in the mine, and paid according to the mineral gotten, he shall not be removed by the persons employed in the mine except by a majority ascertained by ballot of the persons employed and paid as aforesaid at the time of the removal.

2. *Amendments as to persons who appoint and pay check weighers.*—(1) For the purposes of the principal Act and of this Act the persons who are entitled under section thirteen of the principal Act to appoint a check weigher, and from whom he is entitled under section fourteen of the principal Act to recover his wages or recompense, shall be deemed to include not only the persons in charge of the working places, but also all holers, fillers, trammers, and other persons who are paid according to the weight of the mineral gotten.

(2) Where there are persons employed in a mine who are employed by a contractor who is himself paid according to weight of mineral gotten, such persons, if they are either in charge of the working places or are holers, fillers, trammers, or brushers, shall, notwithstanding that they are paid by the contractor and otherwise than in accordance with the weight of mineral gotten, be deemed to be included among those who are entitled to appoint a check weigher, and from whom he is entitled as aforesaid to recover wages or recompense, but the proportion of such wages or recompense recoverable in respect of such persons shall be paid by the contractor who employs them, and recoverable by the check weigher from him alone.

(3) The wages or recompense which a check weigher may recover under section fourteen of the principal Act shall include expenses properly incurred by him in carrying out his work under the principal Act.

3. *Notice of intention to appoint check weigher.*

All persons who are entitled by the principal Act or this Act to appoint a check weigher or deputy check weigher shall have due notice given to them of the intention to appoint a check weigher or deputy check weigher, by a notice posted at the pithead or otherwise specifying the time and place of the meeting, and have the same facilities given to each of them for the purpose of recording their votes either by ballot or otherwise in such appointment.

4. *Construction and short title.*—(1) This Act shall be construed as one with the principal Act.

(2) This Act may be cited as the Coal Mines (Weighing of Minerals) Act, 1905, and the Coal Mines Regulation Act, 1887 to 1896, and the Coal Mines Regulation Act (1887) Amendment Act, 1903, and this Act may be cited collectively as the Coal Mines Regulation Act, 1887 to 1905.

## CHAPTER 10.

[*Shipowners' Negligence (Remedies) Act, 1905.*]

An Act to enlarge the Remedies of Persons injured by the Negligence of Shipowners.

[4th August 1905.]

Be it enacted, &c.:

1. *Enlargement of remedy by action for injuries caused by negligence of a shipowner.*—(1) If it is alleged that the owners of any ship are liable to pay damages in respect of personal injuries including fatal injuries caused by the ship, or sustained on, in, or about the ship in any port or harbour in the United Kingdom in consequence of the wrongful act, neglect, or default of the owners of the ship, or the master or officers or crew thereof, or any other person in the employment of the owners of the ship, or of any defect in the ship or its apparel or equipment, and at any time that ship is found in any port or river of England or Ireland, or within three miles of the coast thereof, a judge of any court of record in England or Ireland may, upon its being shown to him by any person applying in accordance with rules of court that the owners are probably liable to pay damages in respect of such injuries, and that none of the owners reside in the United Kingdom, issue an order directed to any officer of customs or other officer named by the judge requiring him to detain the ship until such time as the owners, agent, master, or consignee thereof have made satisfaction in respect of the injuries, or have given security, to be approved by the judge, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of the injuries, and to pay all costs and damages that may be awarded thereon; and any officer of customs or other officer to whom the order is directed shall detain the ship accordingly.

(2) In any legal proceeding in relation to such injuries as aforesaid, the person giving security shall be made defendant, and shall be stated to be the owner of the ship which has caused the injuries, or on, in, or about which the injuries were sustained, and the production of the order of the judge, made in relation to the security, shall be conclusive evidence of the liability of the defendant to the proceeding.

(3) Section six hundred and ninety-two of the Merchant Shipping Act, 1894 [57 & 58 Vict. c. 60], shall apply to the detention of a ship under this Act as it applies to the detention of a ship under that Act, and the expressions "port" and "harbour" have the same meaning as in that Act, and, if the owner of a ship is a corporation, it shall for the purposes of this Act be deemed to reside in the United Kingdom if it has an office in the United Kingdom at which service of writs can be effected.

(4) The words "person applying" in this section shall include an employer who has paid compensation or against whom a claim for compensation has been made under the Workmen's Compensation Act, 1897 [60 & 61 Vict. c. 37], as amended by any subsequent enactment, if he shows the judge that he probably is or will become entitled to be indemnified under that Act, and in such case this section shall apply as if the employer were a person claiming damages in respect of personal injuries.

2. *Commencement and short title.*—This Act shall

come into operation on the first day of January nineteen hundred and six, and may be cited as the Shipowners' Negligence (Remedies) Act, 1905.

## CHAPTER 11.

## [Railway Fires Act, 1905.]

An Act to give Compensation for Damage by Fires caused by Sparks or Cinders from Railway Engines. [4th August 1905.]

Be it enacted, &c.:

1. *Liability of railway companies to make good damage to crops by their engines.*—(1) When, after this Act comes into operation, damage is caused to agricultural land or to agricultural crops, as in this Act defined, by fire arising from sparks or cinders emitted from any locomotive engine used on a railway, the fact that the engine was used under statutory powers shall not affect liability in an action for such damage.

(2) Where any such damage has been caused through the use of an engine by one company on a railway worked by another company, either company shall be liable in such an action; but, if the action is brought against the company working the railway, that company shall be entitled to be indemnified in respect of their liability by the company by whom the engine was used.

(3) This section shall not apply in the case of any action for damage unless the claim for damage in the action does not exceed one hundred pounds.

2. *Powers for extinction and prevention of fire.*—(1) A railway company may enter on any land and do all things reasonably necessary for the purpose of extinguishing or arresting the spread of any fire caused by sparks or cinders emitted from any locomotive engine.

(2) A railway company may, for the purpose of preventing or diminishing the risk of fire in a plantation, wood, or orchard through sparks or cinders emitted from any locomotive engine, enter upon any part of the plantation, wood, or orchard, or on any land adjoining thereto, and cut down and clear away any undergrowth, and take any other precautions reasonably necessary for the purpose; but they shall not, without the consent of the owner of the plantation, wood, or orchard, cut down or injure any trees, bushes, or shrubs.

(3) A railway company exercising powers under this section shall pay full compensation to any person injuriously affected by the exercise of those powers, including compensation in respect of loss of amenity, and any compensation so payable shall, in case of difference, be determined in England and Ireland by two justices in manner provided by section twenty-four of the Lands Clauses Consolidation Act, 1845 [8 & 9 Vict. c. 18], and in Scotland by the sheriff in manner provided by section twenty-two of the Lands Clauses Consolidation (Scotland) Act, 1845 [8 & 9 Vict. c. 19].

3. *Notices of claim.* This Act shall not apply in the case of any action for damage by fire brought against any railway company unless notice of claim and particulars of damage, in writing, shall have been sent to the said railway company within seven days of the occurrence of the damage as regards the notice of claim, and within fourteen days as regards the particulars of damage.

4. *Definitions and application.* In this Act—

The expression "agricultural land" includes arable and meadow land and ground used for pastoral purposes or for market or nursery gardens, and plantations and woods and orchards, and also includes any fences on such land, but does not include any moorland or buildings;

The expression "agricultural crops" includes any crops on agricultural land, whether growing or severed, which are not led or stacked;

The expression "railway" includes any light railway and any tramway worked by steam power.

This Act shall apply to agricultural land under the management of the Commissioners of Woods, and to agricultural crops thereon.

5. *Short title.* This Act shall come into operation on the first day of January, one thousand nine hundred and eight, and may be cited as the Railway Fires Act, 1905.

## CHAPTER 12.

## [Churches (Scotland) Act, 1905.]\*

An Act to provide for the settlement of certain questions between the Free Church and the United Free Church in Scotland, and to make certain amendments of the law with respect to the Church of Scotland.

[11th August 1905.]

Whereas questions have arisen as to property between the Free Church and the United Free Church in Scotland and judgments have been given by the courts in favour of the Free Church:

And whereas a Royal Commission appointed to inquire into the matter have reported that the Free Church are unable adequately to carry out all the trusts of the property, and that it is desirable to provide for the allocation thereof, provision being made for the equipment of the Free Church:

And whereas it is expedient to make provision for such allocation by means of the appointment of a Commission:

And whereas it is expedient to amend the law relating to the subscription of the Confession of Faith by Ministers of the Church of Scotland and others:

Be it therefore enacted, &c.:

1. *Allocation of Church property between the Free Church and the United Free Church by a Commission.*

—(1) The Commission established under this Act shall allocate between the Free Church and the United Free Church the property in question as defined by this Act in such manner as appears to the Commission fair and equitable, having regard to all the circumstances of the case, but subject to the provisions of this Act.

(2) The Commission in making their allocation of property under this Act, shall allocate congregational property to the Free Church in any case where they consider that out of those who in the opinion of the Commission were members or adherents of the congregation on the thirtieth day of October, nineteen hundred, and are at the commencement of this Act both resident in the district, and members or adherents of the Free Church or United Free Church congregation, at least one-third are members or adherents of the Free Church congregation; with power, however, to make special arrangements where several church buildings are situated in the same neighbourhood, and in any other cases which appear to them to require exceptional treatment; and

(3) The Commission in making their allocation of property under this Act shall, having regard to congregational contributions and other income of the Free Church, make adequate provision for the education of the students for the ministry of the Free Church, for the support, subject to payment of the usual annual contributions (if any), of aged and infirm ministers and of widows and orphans of ministers of that Church, for the support of the ministers of Free Church congregations to which congregational property has been allocated under this Act, for itinerant preachers, and for the general purposes of administration and management of that Church. The funds and property out of which provision may be made for each of the above-mentioned objects shall be those set out in the second column of the First Schedule to this Act, opposite the description of the object in the first column of that schedule.

2. *Orders for carrying allocation into effect.*—(1)

The Commission may make such orders as they may consider necessary for carrying into effect any allocation under this Act (including the modification of the Acts relating to the Widows and Orphans Fund), and may also, before that allocation is made, make interim orders having temporary effect as respects the property in question as defined by this Act. Any such orders shall have effect as if enacted in this Act, may be recorded in the Register of Sasines or other appropriate register, and shall not be chargeable with stamp duty.

(2) Subject to the provisions of this Act, the Commission, if they think fit, may order that any property (other than congregational property) allocated to either Church under this Act shall be burdened with such bond, or charge, in favour of

\* This Act, although not relating to England and Wales, is set out at length on account of its exceptional interest.

the other Church or in favour of third parties who may advance money for the purposes of such bond or charge, as they direct. Any congregational property allocated to either Church shall be subject to any bonds, burdens, or debts thereon or in respect thereof, and the Commissioners may charge upon the particular congregational property concerned any moneys expended since thirty-first October, nineteen hundred, on improvements of that property or in paying off debt incurred in respect of that property.

(3) The Free Church and the United Free Church respectively shall hold any property allocated to them under this Act for the purposes of and in accordance with their respective constitutions, and, in allocating to the United Free Church any property which is, at the commencement of this Act, appropriated to any special Church purposes, the Commission shall, so far as possible, provide by their orders that the property shall remain, in the hands of the United Free Church, appropriated to the same or similar purposes.

(4) Any proceedings in any court between the Free Church and the United Free Church as to any property in question as defined by this Act, and all diligence and execution in any such proceedings, shall, by virtue of this Act, be permanently stayed or stayed, and no such proceedings shall be instituted as respects any such property before that property has been allocated by the Commission under this Act.

(5) No court shall have power to review or interfere in any way with the orders or other proceedings of the Commission, but such orders or proceedings shall not prejudice or affect any rights, duties, and liabilities as regards any property in question as defined by this Act other than those of the Free Church and the United Free Church.

3. *Establishment of Commission.*—(1) The Commission under this Act shall consist of five Commissioners to be appointed by His Majesty.

(2) If a vacancy occurs in the office of any Commissioner so appointed by reason of death, resignation, incapacity, or otherwise, His Majesty may appoint some other person to fill the vacancy, and so from time to time as occasion requires.

(3) The Commission may appoint and employ such Assistant Commissioners, officers, and persons, as they think necessary, and may remove any officer or person so appointed or employed.

(4) The salaries and remuneration of any persons so appointed or employed, and all expenses of the Commission incurred in the execution of this Act, shall be paid out of the property in question as defined by this Act, and the Commission may make any orders necessary for the purpose.

(5) The quorum of the Commission shall be three, and in case of an equal division of votes at any meeting of the Commission the person who is Chairman at that meeting shall have a second or casting vote. The procedure, place of meeting, and authentication of documents of the Commission, shall be regulated in such manner as the Commission determine.

(6) The Commission and any Assistant Commissioner appointed under this Act may examine witnesses on oath, and, for the enforcing the attendance of witnesses, after a tender of their expenses, the examination of witnesses, and the production of books and documents, shall have all such powers, rights, and privileges as are vested in any of His Majesty's courts of law.

(7) The powers of the Commission shall be in force until the first day of March nineteen hundred and six, but His Majesty may by Order in Council continue their powers for such further period as His Majesty thinks fit.

4. *Provision defining the property, &c., to be allocated.*

—(1) All property which, on the thirtieth day of October nineteen hundred, was vested in or held by or on trust for, or was payable to or for behoof of, the Free Church, or was held for the purposes of any school, scheme, mission, or other special object of the said church, or, where any such property has been disposed of since that date, the proceeds of sale thereof or any investments representing the same, including any revenue or accumulations of any such property, proceeds of sale, or investments accruing since the said date, shall notwithstanding anything that has taken place since that date, be deemed to be property in question within the meaning of this Act, subject in any case to any disbursements properly made

since the said date (which are hereby declared to stand good), and any person held accountable for any such property, in accordance with an order of the Commission, shall account for the same accordingly.

(2) Such rights, duties, and liabilities (including the right of appointing representatives on bodies of trustees or other boards) as belonged or attached to the Free Church on the thirtieth day of October nineteen hundred shall be subject to allocation by the Commission in the same manner as the property in question within the meaning of this Act.

(3) Any legacies, bequests, or conveyances of property under testamentary writings made before the thirtieth day of October, nineteen hundred, by testators who died thereafter and before the commencement of this Act, in dispute between the Free Church and the United Free Church, shall be allocated to or apportioned between the Churches in such manner as the Commission deem fair and equitable, having regard to what seems to them to have been the intention of the testator, and the capacity of the Churches respectively to carry out any special trusts annexed to the legacy; and all proceedings in any court as regards any disputes between the two Churches in respect of such legacies shall be permanently sisted or stayed.

(4) In this section, the expression "property" includes property heritable and movable and all interests therein; and the expression "rights" includes powers, privileges, and immunities.

5. *Formula of subscription to the Confession of Faith in the Church of Scotland.*—The formula of subscription to the Confession of Faith required from ministers and preachers of the Church of Scotland as by law established and from persons appointed to Chairs of Theology in the Scottish Universities and the Principal of Saint Mary's College, Saint Andrew's, respectively, shall be such as may be prescribed by Act of the General Assembly of the said Church with the consent of the majority of the presbyteries thereof. The formula at present in use in any case shall be required until a formula in lieu thereof is so prescribed.

6. *Definitions, repeal, and short title.*—(1) In this Act the expression "the Free Church" means the association or body of Christians known and designated as the Free Church of Scotland; and the expression "the United Free Church" means the association or body of Christians known and designated as the United Free Church of Scotland, and, unless the context otherwise requires, those expressions respectively include any court, congregation, or college of either Church, or any member thereof as such, or any person acting on behalf of such Church, congregation, or college.

(2) The Acts mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule, both as originally enacted, and as incorporated, ratified, confirmed, or approved by any other Act.

(3) This Act may be cited as the Churches (Scotland) Act, 1905.

## SCHEDULES.

## FIRST SCHEDULE.

## [Section 1.]

| Object.   | Funds and Property.   |
|---|---|
| 1. Education of students of the Free Church.  | 1. College endowments and bursary funds; college buildings.   |
| 2. Support of aged and infirm ministers of the Free Church.   | 2. Aged and Infirm Ministers' Fund.   |
| 3. Support of widows and orphans of ministers of the Free Church.   | 3. Widows and Orphans Fund.   |
| 4. (a) Support of ministers of Free Church congregations to which congregational property has been allocated under this Act and of itinerant preachers. | 4. Sustentation Fund; Home Missions Fund; Highlands and Islands Fund; any moneys which the Commission regard as applicable for these or similar purposes. |

## Object.

(b) General purposes of administration and management of the Free Church.

## Funds and Property.

So far as those funds or moneys are not sufficient, any further amount required for this object shall be provided by such bond or charge as the Commission may direct to be imposed on any land or buildings in Scotland allocated to the United Free Church other than congregational property, colleges, schools, and any land or buildings bequeathed or given for special purposes.

## SECOND SCHEDULE.

## [Section 6.]

## ENACTMENTS REPEALED.

| Act.   | Title.   | Extent of Repeal.  |
|--|--|--|
| An Act of the Parliament of Scotland passed in the year one thousand six hundred and ninety-three. | Act for settling the quiet and peace of the Church.                          | The words "the same to be the confession of his faith, and that he owns the doctrine therein contained to be the true doctrine which he will constantly adhere to, as" |
| An Act of the Parliament of Scotland passed in the year one thousand seven hundred and seven.      | Act for securing the Protestant religion and Presbyterian Church government. | The words "do and shall acknowledge and profess and," and the words "as the confession of their faith;"  |

## CHAPTER 13.

## [Aliens Act, 1905.]

An Act to amend the Law with regard to Aliens.

Be it enacted, &c.

## Regulation of Alien Immigration.

1. *Power to prevent the landing of undesirable immigrants.*—(1) An immigrant shall not be landed in the United Kingdom from an immigrant ship except at a port at which there is an immigration officer appointed under this Act, and shall not be landed at any such port without the leave of that officer given after an inspection of the immigrants made by him on the ship, or elsewhere if the immigrants are conditionally disembarked for the purpose, in company with a medical inspector, such inspection to be made as soon as practicable, and the immigration officer shall withhold leave in the case of any immigrant who appears to him to be an undesirable immigrant within the meaning of this section.

(2) Where leave to land is withheld in the case of any immigrant, the master, owner, or agent of the ship, or the immigrant, may appeal to the immigration board of the port, and that board shall, if they are satisfied that leave to land should not be withheld under this Act, give leave to land, and leave so given shall operate as the leave of the immigration officer.

(3) For the purposes of this section an immigrant shall be considered an undesirable immigrant—

- (a) if he cannot show that he has in his possession or is in a position to obtain the means of decently supporting himself and his dependents (if any); or  
(b) if he is a lunatic or an idiot, or owing to

any disease or infirmity appears likely to become a charge upon the rates or otherwise a detriment to the public; or

(c) if he has been sentenced in a foreign country with which there is an extradition treaty for a crime, not being an offence of a political character, which is, as respects that country, an extradition crime within the meaning of the Extradition Act, 1870 [33 & 34 Vict. c. 52]; or

(d) if an expulsion order under this Act has been made in his case;

but, in the case of an immigrant who proves that he is seeking admission to this country solely to avoid prosecution or punishment on religious or political grounds or for an offence of a political character, or persecution, involving danger of imprisonment or danger to life or limb, on account of religious belief, leave to land shall not be refused on the ground merely of want of means, or the probability of his becoming a charge on the rates, nor shall leave to land be withheld in the case of an immigrant who shows to the satisfaction of the immigration officer or board concerned with the case that, having taken his ticket in the United Kingdom and embarked direct therefrom for some other country immediately after a period of residence in the United Kingdom of not less than six months, he has been refused admission in that country and returned direct therefrom to a port in the United Kingdom, and leave to land shall not be refused merely on the ground of want of means to any immigrant who satisfies the immigration officer or board concerned with the case that he was born in the United Kingdom, his father being a British subject.

(4) The Secretary of State may, subject to such conditions as he thinks fit to impose, by order exempt any immigrant ships from the provisions of this section if he is satisfied that a proper system is being maintained for preventing the embarkation of undesirable immigrants on those ships, or if security is given to his satisfaction that undesirable immigrants will not be landed in the United Kingdom from those ships except for the purpose of transit.

Any such order of exemption may be withdrawn at any time at the discretion of the Secretary of State.

(5) Any immigrant who lands, and any master of a ship who allows an immigrant to be landed, in contravention of this section shall be guilty of an offence under this Act, but an immigrant conditionally disembarked shall not be deemed to have landed so long as the conditions are complied with.

2. *Immigration board and rules.*—(1) The immigration board for a port shall consist of three persons summoned in accordance with rules made by the Secretary of State under this Act out of a list approved by him for the port comprising fit persons having magisterial, business, or administrative experience.

(2) A Secretary of State may make rules generally with respect to immigration boards and their officers, and with respect to appeals to those boards, and with respect to the conditional disembarkation of immigrants for the purpose of inspection, appeals, or otherwise, and may by those rules amongst other things provide for the summoning and procedure of the board, and for the place of meeting of the board, and for the security to be given by the master of the ship in the case of immigrants conditionally disembarked. Rules made under this section shall provide for notice being given to masters of immigrant ships and immigrants informing them of their right of appeal, and also, where leave to land is withheld in the case of any immigrant by the immigration officer, for notice being given to the immigrant and the master of the immigrant ship of the grounds on which leave has been withheld.

## Expulsion of Undesirable Aliens.

3. *Power of Secretary of State to make an expulsion order.*—(1) The Secretary of State may, if he thinks fit, make an order (in this Act referred to as an expulsion order) requiring an alien to leave the United Kingdom within a time fixed by the order, and thereafter to remain out of the United Kingdom—

- (a) if it is certified to him by any court (including a court of summary jurisdiction) that the alien has been convicted by that

court of any felony, or misdemeanour, or other offence for which the court has power to impose imprisonment without the option of a fine, or of an offence under paragraph twenty-two or twenty-three of section three hundred and eighty-one of the Burgh Police (Scotland) Act, 1892 [55 & 56 Vict. c. 55], or of an offence as a prostitute under section seventy-two of the Towns Improvement (Ireland) Act, 1854 [17 & 18 Vict. c. 103], or paragraph eleven of section fifty-four of the Metropolitan Police Act, 1839 [2 & 3 Vict. c. 47], and that the court recommend that an expulsion order should be made in his case, either in addition to or in lieu of his sentence; and

(b) if it is certified to him by a court of summary jurisdiction after proceedings taken for the purpose within twelve months after the alien has last entered the United Kingdom, in accordance with rules of court made under section twenty-nine of the Summary Jurisdiction Act, 1879 [42 & 43 Vict. c. 49], that the alien—

(i.) has within three months from the time at which proceedings for the certificate are commenced been in receipt of any such parochial relief as disqualifies a person for the parliamentary franchise, or been found wandering without ostensible means of subsistence, or been living under insanitary conditions due to overcrowding; or

(ii.) has entered the United Kingdom after the passing of this Act, and has been sentenced in a foreign country with which there is an extradition treaty for a crime not being an offence of a political character which is as respects that country an extradition crime within the meaning of the Extradition Act, 1870.

(2) If any alien in whose case an expulsion order has been made is at any time found within the United Kingdom in contravention of the order, he shall be guilty of an offence under this Act.

4. *Expenses of return of alien, &c.*—(1) Where an expulsion order is made in the case of any alien, the Secretary of State may, if he thinks fit, pay the whole or any part of the expenses of or incidental to the departure from the United Kingdom and maintenance until departure of the alien and his dependents (if any).

(2) If an expulsion order is made in the case of any alien (not being an alien who last entered the United Kingdom before the commencement of this Act, or an immigrant in whose case leave to land has been given under this Act) on a certificate given within six months after he has last entered the United Kingdom, the master of the ship in which he has been brought to the United Kingdom and also the master of any ship belonging to the same owner shall be liable to pay to the Secretary of State as a debt due to the Crown any sums paid by the Secretary of State under this section in connection with the alien, and shall, if required by the Secretary of State, receive the alien and his dependents (if any) on board his ship, and afford them free of charge a passage to the port of embarkation and proper accommodation and maintenance during the passage.

(3) If the master of a ship fails to comply with the provisions of this section as to giving a passage to an alien or his dependents, he shall be guilty of an offence under this Act.

#### General.

5. *Returns as to aliens.*—(1) The master of any ship landing or embarking passengers at any port in the United Kingdom shall furnish to such person and in such manner as the Secretary of State directs a return giving such particulars with respect to any such passengers who are aliens as may be required for the time being by order of the Secretary of State, and any such passenger shall furnish the master of the ship with any information required by him for the purpose of the return.

(2) If the master of a ship fails to make the return required by this section, or makes a false return, he shall be guilty of an offence under this Act, and if any alien refuses to give information required by the master of the ship for the purpose of the return under this section, or gives any false information for the purpose, he shall be liable on summary

conviction to imprisonment for a term not exceeding three months with hard labour.

(3) The Secretary of State may by order exempt from the provisions of this section any special class of passengers or voyages, or any special ships or ports, but any such order may be withdrawn at any time at his discretion.

6. *Appointment of officers, and expenses.*—(1) The Secretary of State shall appoint, at such ports in the United Kingdom as he thinks necessary for the time being, immigration officers and medical inspectors, and may appoint or employ such other officers or persons as may be required for the purposes of immigration boards, or for the purpose of the returns to be given under this Act, or otherwise for carrying this Act into effect, and the salary and remuneration of any officers, inspectors, or persons so appointed or employed, and any expenses otherwise incurred in carrying this Act into effect (including such payment as may be sanctioned by the Treasury for the attendance of any person as a member of an immigration board to hear appeals), shall, up to an amount approved by the Treasury, be paid out of moneys provided by Parliament.

(2) The Secretary of State may arrange with the Commissioners of Customs or any other Government department or any port sanitary authority for the appointment or employment of officers of Customs or officers of that department or authority as officers under this Act.

(3) The Secretary of State shall make known, in such manner as he thinks best suited for the purpose, the ports at which immigration officers are for the time being appointed under this Act.

7. *Supplemental provisions.*—(1) Any person guilty of an offence under this Act shall, if the offence is committed by him as the master of a ship, be liable, on summary conviction, to a fine not exceeding one hundred pounds, and, if the offence is committed by him as an immigrant or alien, be deemed a rogue and vagabond within the meaning of the Vagrancy Act, 1824 [5 Geo. 4, c. 83], and be liable to be dealt with accordingly as if the offence were an offence under section four of that Act.

(2) Sections six hundred and eighty-four, six hundred and eighty-five, and six hundred and eighty-six of the Merchant Shipping Act, 1894, [57 & 58 Vict. c. 60] (which relate to the jurisdiction of courts and justices), shall apply with respect to jurisdiction under this Act as they apply with respect to jurisdiction under that Act, and section six hundred and ninety-three of the Merchant Shipping Act, 1894 (which relates to the levying of sums ordered to be paid by distress on a ship), shall apply with respect to any fines or other sums of money to be paid under this Act by the master of a ship as it applies with respect to fines and other sums of money to be paid under that Act.

(3) Any immigrant who is conditionally disembarked, and any alien in whose case an expulsion order is made, while waiting the departure of his ship, and whilst being conveyed to the ship, and whilst on board the ship until the ship finally leaves the United Kingdom, and any alien in whose case a certificate has been given by a court, with a view to the making of an expulsion order under this Act, until the Secretary of State has decided upon his case, shall be liable to be kept in custody in such manner as the Secretary of State directs, and whilst in that custody shall be deemed to be in legal custody.

(4) If any immigrant, master of a ship, or other person, for the purposes of this Act, makes any false statement or false representation to an immigration officer, medical inspector, immigration board, or to the Secretary of State, he shall be liable on summary conviction to imprisonment for a term not exceeding three months with hard labour.

(5) If any question arises on any proceedings under this Act, or with reference to anything done or proposed to be done under this Act, whether any person is an alien or not, the onus of proving that that person is not an alien shall lie on that person.

(6) In carrying out the provisions of this Act, due regard shall be had to any treaty, convention, arrangement, or engagement with any foreign country.

8. *Definitions.*—(1) The expression "immigrant" in this Act means an alien steerage

passenger who is to be landed in the United Kingdom, but does not include—

(a) Any passenger who shows to the satisfaction of the immigration officer or board concerned with the case that he desires to land in the United Kingdom only for the purpose of proceeding within a reasonable time to some destination out of the United Kingdom; or

(b) Any passenger holding prepaid through tickets to some destination, if the master or owner of the ship by which they are brought to the United Kingdom, or by which they are to be taken away from the United Kingdom, gives security to the satisfaction of the Secretary of State that, except for the purposes of transit or under other circumstances approved by the Secretary of State, they will not remain in the United Kingdom, or, having been rejected in another country re-enter the United Kingdom, and that they will be properly maintained and controlled during their transit.

(2) The expression "immigrant ship" in this Act means a ship which brings to the United Kingdom more than twenty alien steerage passengers, who are to be landed in the United Kingdom, whether at the same or different ports, or such number of those passengers as may be for the time being fixed by order of the Secretary of State, either generally or as regards any special ships or ports.

(3) The expression "passenger" in this Act includes any person carried on the ship other than the master and persons employed in the working, or service, of the ship, and the expression "steerage passenger" in this Act includes all passengers except such persons as may be declared by the Secretary of State to be cabin passengers by order made either generally or as regards any special ships or ports.

(4) If any question arises under this Act on an appeal to an immigration board whether any ship is an immigrant ship within the meaning of this Act, or whether any person is an immigrant, a passenger, or a steerage passenger, within the meaning of this Act, or whether any offence is an offence of a political character, or whether a crime is an extradition crime, that question shall be referred to the Secretary of State in accordance with rules made under this Act, and the board shall act in accordance with his decision.

(5) The Secretary of State may withdraw or vary any order made by him under this section.

9. *Application of Act to Scotland and Ireland.*—(1) In the application of this Act to Scotland and Ireland the words "be liable on summary conviction to imprisonment for a term not exceeding three months with hard labour" shall be substituted for the words "be deemed a rogue and vagabond within the meaning of the Vagrancy Act, 1824, and be liable to be dealt with accordingly as if the offence were an offence under section four of that Act."

(2) Section thirty-three of the Summary Procedure (Scotland) Act, 1864 [27 & 28 Vict. c. 53], shall be substituted as respects Scotland for section twenty-nine of the Summary Jurisdiction Act, 1879; and the Lord Chancellor of Ireland may, as respects Ireland, make rules for the purposes of this Act for which rules may be made under section twenty-nine of the Summary Jurisdiction Act, 1879; and all rules so made shall be laid, as soon as may be, before both Houses of Parliament.

10. *Short title and commencement, and repeal.*—(1) This Act may be cited as the Aliens Act, 1905, and shall come into operation on the first day of January nineteen hundred and six.

(2) The Registration of Aliens Act, 1836 [6 & 7 Will. 4, c. 11], is hereby repealed.

#### CHAPTER 14.

[Medical Act (1886) Amendment Act, 1905.]

An Act to amend the Medical Act, 1886.

[11th August 1905.]

Be it enacted, &c.:

1. *Amendment of 49 & 50 Vict. c. 48, s. 27.* For the purposes of the Medical Act, 1886, where any part of a British possession is under a central and

also under a local legislature, His Majesty may, if he thinks fit, by Order in Council, declare that the part which is under the local legislature shall be deemed a separate British possession.

2. *Short title.* This Act may be cited as the Medical Act (1886) Amendment Act, 1905.

## CHAPTER 15.

### [Trade-Marks Act, 1905.]

An Act to consolidate and amend the Law relating to Trade-marks.

[11th August 1905.]

Be it enacted, &c.:

1. *Short title.* This Act may be cited as the Trade-Marks Act, 1905.

2. *Commencement of Act.* This Act shall, save as otherwise expressly provided, come into operation on the first day of April one thousand nine hundred and six.

### PART I.

#### Definitions.

3. *Definitions.* In and for the purposes of this Act (unless the context otherwise requires):—

A "mark" shall include a device, brand, heading, label, ticket, name, signature, word, letter, numeral, or any combination thereof:

A "trade-mark" shall mean a mark used or proposed to be used upon or in connection with goods for the purpose of indicating that they are the goods of the proprietor of such trade-mark by virtue of manufacture, selection, certification, dealing with, or offering for sale:

A "registrable trade-mark" shall mean a trade-mark which is capable of registration under the provisions of this Act:

"The register" shall mean the register of trade-marks kept under the provisions of this Act:

A "registered trade-mark" shall mean a trade-mark which is actually upon the register:

"Prescribed" shall mean, in relation to proceedings before the Court, prescribed by rules of court, and in other cases, prescribed by this Act or the Rules thereunder:

"The Court" shall mean (subject to the provisions for Scotland, Ireland, and the Isle of Man) His Majesty's High Court of Justice in England.

#### Register of Trade-Marks.

4. *Register of trade-marks.* There shall be kept at the Patent Office for the purposes of this Act a book called the Register of Trade-Marks, wherein shall be entered all registered trade-marks with the names and addresses of their proprietors, notifications of assignments and transmissions, disclaimers, conditions, limitations, and such other matters relating to such trade-marks as may from time to time be prescribed. The register shall be kept under the control and management of the Comptroller-General of Patents, Designs, and Trade-Marks, who is in this Act referred to as the Registrar.

5. *Trust not to be entered on register.* There shall not be entered in the register any notice of any trust expressed, implied, or constructive, nor shall any such notice be receivable by the Registrar.

6. *Incorporation of existing register.* The register of trade-marks existing at the date of the commencement of this Act, and all registers of trade-marks kept under previous Acts, which are deemed part of the same book as such register, shall be incorporated with and form part of the register. Subject to the provisions of sections thirty-six and forty-one of this Act the validity of the original entry of any trade-mark upon the registers so incorporated shall be determined in accordance with the statutes in force at the date of such entry, and such trade-mark shall retain its original date, but for all other purposes it shall be deemed to be a trade-mark registered under this Act.

7. *Inspection of and extract from register.* The register kept under this Act shall at all convenient times be open to the inspection of the public, subject to such regulations as may be prescribed; and certified copies, sealed with the seal of the

Patent Office, of any entry in such register shall be given to any person requiring the same on payment of the prescribed fee.

#### Registrable Trade-Marks.

8. *Trade-mark must be for particular goods.* A trade-mark must be registered in respect of particular goods or classes of goods.

9. *Registrable trade-marks.* A registrable trade-mark must contain or consist of at least one of the following essential particulars:—

(1) The name of a company, individual, or firm represented in a special or particular manner;

(2) The signature of the applicant for registration or some predecessor in his business;

(3) An invented word or invented words;

(4) A word or words having no direct reference to the character or quality of the goods, and not being according to its ordinary signification a geographical name or a surname;

(5) Any other distinctive mark, but a name, signature, or word or words, other than such as fall within the descriptions in the above paragraphs (1), (2), (3), and (4), shall not, except by order of the Board of Trade or the Court, be deemed a distinctive mark:

Provided always that any special or distinctive word or words, letter, numeral, or combination of letters or numerals used as a trade-mark by the applicant or his predecessors in business before the thirteenth day of August one thousand eight hundred and seventy-five, which has continued to be used (either in its original form or with additions or alterations not substantially affecting the identity of the same) down to the date of the application for registration shall be registrable as a trade-mark under this Act.

For the purposes of this section "distinctive" shall mean adapted to distinguish the goods of the proprietor of the trade-mark from those of other persons.

In determining whether a trade-mark is so adapted, the tribunal may, in the case of a trade-mark in actual use, take into consideration the extent to which such user has rendered such trade-mark in fact distinctive for the goods with respect to which it is registered or proposed to be registered.

10. *Coloured trade-marks.* A trade-mark may be limited in whole or in part to one or more specified colours, and in such case the fact that it is so limited shall be taken into consideration by any tribunal having to decide on the distinctive character of such trade-mark. If and so far as a trade-mark is registered without limitation of colour it shall be deemed to be registered for all colours.

11. *Restriction on registration.* It shall not be lawful to register as a trade-mark or part of a trade-mark any matter, the use of which would by reason of its being calculated to deceive or otherwise be disentitled to protection in a court of justice, or would be contrary to law or morality, or any scandalous design.

#### Registration of Trade-Marks.

12. *Application for registration.*—(1) Any person claiming to be the proprietor of a trade-mark who is desirous of registering the same must apply in writing to the Registrar in the prescribed manner.

(2) Subject to the provisions of this Act the Registrar may refuse such application, or may accept it absolutely or subject to conditions, amendments, or modifications.

(3) In case of any such refusal or conditional acceptance the Registrar shall, if required by the applicant, state in writing the grounds of his decision and the materials used by him in arriving at the same, and such decision shall be subject to appeal to the Board of Trade or to the Court at the option of the applicant.

(4) An appeal under this section shall be made in the prescribed manner, and on such appeal the Board of Trade or the Court, as the case may be, shall, if required, hear the applicant and the Registrar, and shall make an order determining whether, and subject to what conditions, amendments, or modifications, if any, the application is to be accepted.

(5) Appeals under this section shall be heard on the materials so stated by the Registrar to have been used by him in arriving at his decision, and no further grounds of objection to the acceptance of the application shall be allowed to be taken by the Registrar, other than those stated by him, except by leave of the tribunal hearing the appeal. Where any further grounds of objection are taken the applicant shall be entitled to withdraw his application without payment of costs on giving notice as prescribed.

(6) The Registrar or the Board of Trade or the Court, as the case may be, may at any time, whether before or after acceptance, correct any error in or in connection with the application, or may permit the applicant to amend his application upon such terms as they may think fit.

13. *Advertisement of application.* When an application for registration of a trade-mark has been accepted, whether absolutely or subject to conditions, the Registrar shall, as soon as may be after such acceptance, cause the application as accepted to be advertised in the prescribed manner. Such advertisement shall set forth all conditions subject to which the application has been accepted.

14. *Opposition to registration.*—(1) Any person may, within the prescribed time from the date of the advertisement of an application for the registration of a trade-mark, give notice to the Registrar of opposition to such registration.

(2) Such notice shall be given in writing in the prescribed manner, and shall include a statement of the grounds of opposition.

(3) The Registrar shall send a copy of such notice to the applicant, and within the prescribed time after the receipt of such notice, the applicant shall send to the Registrar, in the prescribed manner, a counter-statement of the grounds on which he relies for his application, and, if he does not do so, he shall be deemed to have abandoned his application.

(4) If the applicant sends such counter-statement, the Registrar shall furnish a copy thereof to the persons giving notice of opposition, and shall, after hearing the parties, if so required, and considering the evidence, decide whether, and subject to what conditions, registration is to be permitted.

(5) The decision of the Registrar shall be subject to appeal to the Court or, with the consent of the parties, to the Board of Trade.

(6) An appeal under this section shall be made in the prescribed manner, and on such appeal the Board of Trade or the Court, as the case may be, shall, if required, hear the parties and the Registrar, and shall make an order determining whether, and subject to what conditions, if any, registration is to be permitted.

(7) On the hearing of any such appeal any party may either in the manner prescribed or by special leave of the tribunal bring forward further material for the consideration of the tribunal.

(8) In proceedings under this section no further grounds of objection to the registration of a trade-mark shall be allowed to be taken by the opponent or the Registrar other than those stated by the opponent as hereinabove provided except by leave of the tribunal hearing the appeal. Where any further grounds of objection are taken the applicant shall be entitled to withdraw his application without payment of the costs of the opponent on giving notice as prescribed.

(9) In any appeal under this section, the tribunal may, after hearing the Registrar, permit the trade-mark proposed to be registered to be modified in any manner not substantially affecting the identity of such trade-mark, but in such case the trade-mark as so modified shall be advertised in the prescribed manner before being registered.

(10) The Registrar, or in the case of an appeal to the Board of Trade the Board of Trade, shall have power in proceedings under this section to award to any party such costs as they may consider reasonable, and to direct how and by what parties they are to be paid.

(11) If a party giving notice of opposition or of appeal neither resides nor carries on business in the United Kingdom, the tribunal may require such party to give security for costs of the proceedings before it relative to such opposition or appeal, and in default of such security being duly given may treat the opposition or appeal as abandoned.

**15. Disclaimers.]** If a trade-mark contains parts not separately registered by the proprietor as trade-marks, or if it contains matter common to the trade or otherwise of a non-distinctive character, the Registrar or the Board of Trade or the Court, in deciding whether such trade-mark shall be entered or shall remain upon the register, may require, as a condition of its being upon the register, that the proprietor shall disclaim any right to the exclusive use of any part or parts of such trade-mark, or of all or any portion of such matter, to the exclusive use of which they hold him not to be entitled, or that he shall make such other disclaimer as they may consider needful for the purpose of defining his rights under such registration: Provided always that no disclaimer upon the register shall affect any rights of the proprietor of a trade-mark except such as arise out of the registration of the trade-mark in respect of which the disclaimer is made.

**16. Date of registration.]** When an application for registration of a trade-mark has been accepted and has not been opposed, and the time for notice of opposition has expired, or having been opposed the opposition has been decided in favour of the applicant, the Registrar shall, unless the Board of Trade otherwise direct, register the said trade-mark, and the trade-mark, when registered, shall be registered as of the date of the application for registration, and such date shall be deemed for the purposes of this Act to be the date of registration.

**17. Certificate of registration.]** On the registration of a trade-mark the Registrar shall issue to the applicant a certificate in the prescribed form of the registration of such trade-mark under the hand of the Registrar, and sealed with the seal of the Patent Office.

**18. Non-completion of registration.]** Where registration of a trade-mark is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar may, after giving notice of the non-completion to the applicant in writing in the prescribed manner, treat the application as abandoned unless it is completed within the time specified in that behalf in such notice.

#### Identical Trade-Marks.

**19. Identical marks.]** Except by order of the Court or in the case of trade-marks in use before the thirteenth day of August one thousand eight hundred and seventy-five, no trade-mark shall be registered in respect of any goods or description of goods which is identical with one belonging to a different proprietor which is already on the register with respect to such goods or description of goods, or so nearly resembling such a trade-mark as to be calculated to deceive.

**20. Rival claims to identical marks.]** Where each of several persons claims to be proprietor of the same trade-mark, or of nearly identical marks in respect of the same goods or description of goods, and to be registered as such proprietor, the registrar may refuse to register any of them until their rights have been determined by the court, or have been settled by agreement in a manner approved by him or (on appeal) by the Board of Trade.

**21. Concurrent user.]** In case of honest concurrent user or of other special circumstances which, in the opinion of the Court, make it proper so to do, the Court may permit the registration of the same trade-mark, or of nearly identical trade-marks, for the same goods or description of goods by more than one proprietor subject to such conditions and limitations, if any, as to mode or place of use or otherwise, as it may think it right to impose.

#### Assignment.

**22. Assignment and transmission of trade-marks.]** A trade-mark when registered shall be assigned and transmitted only in connection with the goodwill of the business concerned in the goods for which it has been registered and shall be determinable with that goodwill. But nothing in this section contained shall be deemed to affect the right of the proprietor of a registered trade-mark to assign the right to use the same in any British possession or protectorate or foreign country in connection with any goods for which it is registered together with the goodwill of the business therein in such goods.

**23. Apportionment of marks on dissolution of partnership.]** In any case where from any cause, whether by reason of dissolution of partnership or otherwise, a person ceases to carry on business, and the goodwill of such person does not pass to one successor but is divided, the Registrar may (subject to the provisions of this Act as to associated trade-marks), on the application of the parties interested, permit an apportionment of the registered trade-marks of the person among the persons in fact continuing the business, subject to such conditions and modifications, if any, as he may think necessary in the public interest. Any decision of the Registrar under this section shall be subject to appeal to the Board of Trade.

#### Associated Trade-Marks.

**24. Associated trade-marks.]** If application be made for the registration of a trade-mark so closely resembling a trade-mark of the applicant already on the register for the same goods or description of goods as to be calculated to deceive or cause confusion if used by a person other than the applicant, the tribunal hearing the application may require as a condition of registration that such trade-marks shall be entered on the register as associated trade-marks.

**25. Combined trade-marks.]** If the proprietor of a trade-mark claims to be entitled to the exclusive use of any portion of such trade-mark separately he may apply to register the same as separate trade-marks. Each such separate trade-mark must satisfy all the conditions and shall have all the incidents of an independent trade-mark, except that when registered it and the trade-mark of which it forms a part shall be deemed to be associated trade-marks and shall be entered on the register as such, but the user of the whole trade-mark shall for the purposes of this Act be deemed to be also a user of such registered trade-marks belonging to the same proprietor as it contains.

**26. Series of trade-marks.]** When a person claiming to be the proprietor of several trade-marks for the same description of goods which, while resembling each other in the material particulars thereof, yet differ in respect of—

- (a) statements of the goods for which they are respectively used or proposed to be used; or
- (b) statements of number, price, quality, or names of places; or
- (c) other matter of a non-distinctive character which does not substantially affect the identity of the trade-mark; or
- (d) colour;

seeks to register such trade-marks, they may be registered as a series in one registration. All the trade-marks in a series of trade-marks so registered shall be deemed to be, and shall be registered as, associated trade-marks.

**27. Assignment and user of associated trade-marks.]** Associated trade-marks shall be assignable or transmissible only as a whole and not separately, but they shall for all other purposes be deemed to have been registered as separate trade-marks. Provided that where under the provisions of this Act user of a registered trade-mark is required to be proved for any purpose, the tribunal may if and so far as it shall think right accept user of an associated registered trade-mark, or of the trade-mark with additions or alterations not substantially affecting its identity, as an equivalent for such user.

#### Removal of Registration.

**28. Duration of registration.]** The registration of a trade-mark shall be for a period of fourteen years, but may be renewed from time to time in accordance with the provisions of this Act.

**29. Renewal of registration.]** The Registrar shall, on application made by the registered proprietor of a trade-mark in the prescribed manner and within the prescribed period, renew the registration of such trade-mark for a period of fourteen years from the expiration of the original registration or of the last renewal of registration, as the case may be, which date is herein termed "the expiration of the last registration."

**30. Procedure on expiry of period of registration.]** At the prescribed time before the expiration of the last registration of a trade-mark, the Registrar shall send notice in the prescribed manner to the

registered proprietor at his registered address of the date at which the existing registration will expire and the conditions as to payment of fees and otherwise upon which a renewal of such registration may be obtained, and if at the expiration of the time prescribed in that behalf such conditions have not been duly complied with, the Registrar may remove such trade-mark from the register, subject to such conditions (if any) as to its restoration to the register as may be prescribed.

**31. Status of unrenewed trade-mark.]** Where a trade-mark has been removed from the register for non-payment of the fee for renewal, such trade-mark shall, nevertheless, for the purpose of any application for registration during one year next after the date of such removal, be deemed to be a trade-mark which is already registered, unless it is shown to the satisfaction of the Registrar that there had been no bona fide trade user of such trade-mark during the two years immediately preceding such removal.

#### Correction and Rectification of the Register.

**32. Correction of register.]** The Registrar may, on request made in the prescribed manner by the registered proprietor or by some person entitled by law to act in his name,—

- (1) Correct any error in the name or address of the registered proprietor of a trade-mark; or
- (2) Enter any change in the name or address of the person who is registered as proprietor of a trade-mark; or
- (3) Cancel the entry of a trade-mark on the register; or
- (4) Strike out any goods or classes of goods from those for which a trade-mark is registered; or
- (5) Enter a disclaimer or memorandum relating to a trade-mark which does not in any way extend the rights given by the existing registration of such trade-mark.

Any decision of the Registrar under this section shall be subject to appeal to the Board of Trade.

**33. Registration of assignments, &c.]** Subject to the provisions of this Act where a person becomes entitled to a registered trade-mark by assignment, transmission, or other operation of law, the Registrar shall, on request made in the prescribed manner, and on proof of title to his satisfaction, cause the name and address of such person to be entered on the register as proprietor of the trade-mark. Any decision of the Registrar under this section shall be subject to appeal to the court or, with the consent of the parties, to the Board of Trade.

**34. Alteration of registered trade-mark.]** The registered proprietor of any trade-mark may apply in the prescribed manner to the Registrar for leave to add to or alter such trade-mark in any manner not substantially affecting the identity of the same, and the Registrar may refuse such leave or may grant the same on such terms as he may think fit, but any such refusal or conditional permission shall be subject to appeal to the Board of Trade. If leave be granted, the trade-mark as altered shall be advertised in the prescribed manner.

**35. Rectification of register.]** Subject to the provisions of this Act—

- (1) The Court may on the application in the prescribed manner of any person aggrieved by the non-insertion in or omission from the register of any entry, or by any entry made in the register without sufficient cause, or by any entry wrongly remaining on the register, or by any error or defect in any entry in the register, make such order for making, expunging, or varying such entry, as it may think fit;
- (2) The Court may in any proceeding under this section decide any question that it may be necessary or expedient to decide in connection with the rectification of the register;
- (3) In case of fraud in the registration or transmission of a registered trade-mark, the Registrar may himself apply to the Court under the provisions of this section;
- (4) Any order of the Court rectifying the register shall direct that notice of the rectification shall be served upon the

Registrar in the prescribed manner who shall upon receipt of such notice rectify the register accordingly.

**36. Trade-marks registered under previous Acts.]** No trade-mark which is upon the register at the commencement of this Act and which under this Act is a registrable trade-mark shall be removed from the register on the ground that it was not registrable under the Acts in force at the date of its registration. But nothing in this section contained shall subject any person to any liability in respect of any act or thing done before the commencement of this Act to which he would not have been subject under the Acts then in force.

**37. Non-user of trade-mark.]** A registered trade-mark may, on the application to the court of any person aggrieved, be taken off the register in respect of any of the goods for which it is registered, on the ground that it was registered by the proprietor or a predecessor in title without any *bond fide* intention to use the same in connection with such goods, and there has in fact been no *bond fide* user of the same in connection therewith, or on the ground that there has been no *bond fide* user of such trade-mark in connection with such goods during the five years immediately preceding the application, unless in either case such non-user is shown to be due to special circumstances in the trade, and not to any intention not to use or to abandon such trade-mark in respect of such goods.

#### Effect of Registration.

**38. Powers of registered proprietor.]** Subject to the provisions of this Act—

(1) The person for the time being entered in the register as proprietor of a trade-mark shall, subject to any rights appearing from such register to be vested in any other person, have power to assign the same, and to give effectual receipts for any consideration for such assignment;

(2) Any equities in respect of a trade-mark may be enforced in like manner as in respect of any other personal property.

**39. Rights of proprietor of trade-mark.]** Subject to the provisions of section forty-one of this Act and to any limitations and conditions entered upon the register, the registration of a person as proprietor of a trade-mark shall, if valid, give to such person the exclusive right to the use of such trade-mark upon or in connection with the goods in respect of which it is registered: Provided always that where two or more persons are registered proprietors of the same (or substantially the same) trade-mark in respect of the same goods no rights of exclusive user of such trade-mark shall (except so far as their respective rights shall have been defined by the Court) be acquired by any one of such persons as against any other by the registration thereof, but each of such persons shall otherwise have the same rights as if he were the sole registered proprietor thereof.

**40. Registration to be *prima facie* evidence of validity.]** In all legal proceedings relating to a registered trade-mark (including applications under section thirty-five of this Act) the fact that a person is registered as proprietor of such trade-mark shall be *prima facie* evidence of the validity of the original registration of such trade-mark and of all subsequent assignments and transmissions of the same.

**41. Registration to be conclusive after seven years.]** In all legal proceedings relating to a registered trade-mark (including applications under section thirty-five of this Act) the original registration of such trade-mark shall after the expiration of seven years from the date of such original registration (or seven years from the passing of this Act, whichever shall last happen) be taken to be valid in all respects unless such original registration was obtained by fraud, or unless the trade-mark offends against the provisions of section eleven of this Act:

Provided that nothing in the Act shall entitle the proprietor of a registered trade-mark to interfere with or restrain the user by any person of a similar trade-mark upon or in connection with goods upon or in connection with which such person has, by himself or his predecessors in business, continuously used such trade-mark from a date anterior to the user of the first-mentioned

trade-mark by the proprietor thereof or his predecessors in business, or to object (on such user being proved) to such person being put upon the register for such similar trade-mark in respect of such goods under the provisions of section twenty-one of this Act.

**42. Unregistered trade-mark.]** No person shall be entitled to institute any proceeding to prevent or to recover damages for the infringement of an unregistered trade-mark unless such trade-mark was in use before the thirtieth of August one thousand eight hundred and seventy-five, and has been refused registration under this Act. The Registrar may, on request, grant a certificate that such registration has been refused.

**43. Infringement.]** In an action for the infringement of a trade-mark the court trying the question of infringement shall admit evidence of the usages of the trade in respect to the get-up of the goods for which the trade-mark is registered, and of any trade-marks or get-up legitimately used in connection with such goods by other persons.

**44. User of name, address, or description of goods.]** No registration under this Act shall interfere with any *bond fide* use by a person of his own name or place of business or that of any of his predecessors in business, or the use by any person of any *bond fide* description of the character or quality of his goods.

**45. "Passing-off" action.]** Nothing in this Act contained shall be deemed to affect rights of action against any person for passing off goods as those of another person or the remedies in respect thereof.

#### Legal Proceedings.

**46. Certificate of validity.]** In any legal proceeding in which the validity of the registration of a registered trade-mark comes into question and is decided in favour of the proprietor of such trade-mark, the court may certify the same, and if it so certifies then in any subsequent legal proceeding in which such validity comes into question the proprietor of the said trade-mark on obtaining a final order or judgment in his favour shall have his full costs, charges, and expenses as between solicitor and client, unless in such subsequent proceeding the Court certifies that he ought not to have the same.

**47. Registrar to have notice of proceedings for rectification.]** In any legal proceedings in which the relief sought includes alteration or rectification of the register, the Registrar shall have the right to appear and be heard, and shall appear if so directed by the Court. Unless otherwise directed by the Court, the Registrar in lieu of appearing and being heard may submit to the Court a statement in writing signed by him, giving particulars of the proceedings before him in relation to the matter in issue or of the grounds of any decision given by him affecting the same or of the practice of the office in like cases, or of such other matters relevant to the issue, and within his knowledge as such Registrar, as he shall think fit, and such statement shall be deemed to form part of the evidence in the proceeding.

#### Costs.

**48. Costs of proceedings before the Court.]** In all proceedings before the Court under this Act the costs of the Registrar shall be in the discretion of Court, but the Registrar shall not be ordered to pay the costs of any other of the parties.

#### Evidence.

**49. Mode of giving evidence.]** In any proceeding under this Act before the Board of Trade or the Registrar, the evidence shall be given by statutory declaration in the absence of directions to the contrary, but, in any case in which it shall think it right so to do, the tribunal may (with the consent of the parties) take evidence *vide* *in* lieu of or in addition to evidence by declaration. Any such statutory declaration may in the case of appeal be used before the Court in lieu of evidence by affidavit, but if so used shall have all the incidents and consequences of evidence by affidavit.

In case any part of the evidence is taken *vide* *in* the Board of Trade or the Registrar shall in respect of requiring the attendance of witnesses and taking evidence on oath be in the same

position in all respects as an Official Referee of the Supreme Court.

**50. Sealed copies to be evidence.]** Printed or written copies or extracts of or from the register, purporting to be certified by the Registrar and sealed with the seal of the Patent Office, shall be admitted in evidence in all courts in His Majesty's dominions, and in all proceedings, without further proof or production of the originals.

**51. Certificate of Registrar to be evidence.]** A certificate purporting to be under the hand of the Registrar as to any entry, matter, or thing which he is authorised by this Act, or rules made thereunder, to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or not done.

**52. Certificate of Board of Trade to be evidence.]—(1)** All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof, unless the contrary is shown.

(2) A certificate, signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the fact so certified.

#### PART II.

##### Powers and Duties of Registrar of Trade-Marks.

**53. Exercise of discretionary power by Registrar.]** Where any discretionary or other power is given to the Registrar by this Act or rules made thereunder he shall not exercise that power adversely to the applicant for registration or the registered proprietor of the trade-mark in question without (if duly required so to do within the prescribed time) giving such applicant or registered proprietor an opportunity of being heard.

**54. Appeal from Registrar.]** Except where expressly given by the provisions of this Act or rules made thereunder there shall be no appeal from a decision of the Registrar otherwise than to the Board of Trade, but the court, in dealing with any question of the rectification of the register (including all applications under the provisions of section thirty-five of this Act), shall have power to review any decision of the Registrar relating to the entry in question or the correction sought to be made.

**55. Recognition of agents.]** Where by this Act any act has to be done by or to any person in connection with a trade-mark or proposed trade-mark or any procedure relating thereto, such act may under and in accordance with rules made under this Act or in particular cases by special leave of the Board of Trade be done by or to an agent of such party duly authorised in the prescribed manner.

**56. Registrar may take directions of law officers.]** The Registrar may, in any case of doubt or difficulty arising in the administration of any of the provisions of this Act, apply to His Majesty's Attorney-General or Solicitor-General for England for directions in the matter.

**57. Annual reports of Comptroller.]** The Comptroller General of Patents, Designs, and Trade-Marks shall in his yearly report on the execution by or under him of the Patents, Designs, and Trade-Marks Act, 1883 [46 & 47 Vict. c. 57], and Acts amending the same, include a report respecting the execution by or under him of this Act as though it formed a part of or was included in such Acts.

##### Powers and Duties of the Board of Trade.

**58. Proceedings before Board of Trade.]** All things required or authorised under this Act to be done by or to or before the Board of Trade may be done by or to or before the President or a secretary or an assistant secretary of the Board or any person authorised in that behalf by the President of the Board.

**59. Appeals to Board of Trade.]** Where under this Act an appeal is made to the Board of Trade, the Board of Trade may, if they think fit, refer any such appeal to the Court in lieu of hearing and

deciding it themselves, but, unless the Board so refer the appeal, it shall be heard and decided by the Board, and the decision of the Board shall be final.

**60. Power of Board of Trade to make rules.]—**(1) Subject to the provisions of this Act the Board of Trade may from time to time make such rules, prescribe such forms, and generally do such things as they think expedient—

(a) For regulating the practice under this Act;

(b) For classifying goods for the purposes of registration of trade-marks;

(c) For making or requiring duplicates of trade-marks and other documents;

(d) For securing and regulating the publishing and selling or distributing in such manner as the Board of Trade think fit, of copies of trade-marks and other documents;

(e) Generally, for regulating the business of the office in relation to trade-marks and all things by this Act placed under the direction or control of the Registrar, or of the Board of Trade.

(2) Rules made under this section shall, whilst in force, be of the same effect as if they were contained in this Act.

(3) Before making any rules under this section the Board of Trade shall publish notice of their intention to make the rules and of the place where copies of the draft rules may be obtained in such manner as the Board consider most expedient, so as to enable persons affected to make representations to the Board before the rules are finally settled.

(4) Any rules made in pursuance of this section shall be forthwith advertised twice in the Trade-Marks Journal, and shall be laid before both Houses of Parliament, if Parliament be in session at the time of making thereof, or, if not, then as soon as practicable after the beginning of the then next session of Parliament.

(5) If either House of Parliament within the next forty days after any rules have been so laid before such House, resolve that such rules or any of them ought to be annulled, the same shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under such rules or rule or to the making of any new rules or rule.

#### Fees.

**61. Fees.]** There shall be paid in respect of applications and registration and other matters under this Act, such fees as may be, with the sanction of the Treasury, prescribed by the Board of Trade.

#### Special Trade-Marks.

**62. Standardization, &c., trade-marks.]** Where any association or person undertakes the examination of any goods in respect of origin, material, mode of manufacture, quality, accuracy, or other characteristic, and certifies the result of such examination by mark used upon or in connection with such goods, the Board of Trade may, if they shall judge it to be to the public advantage, permit such association or person to register such mark as a trade-mark in respect of such goods, whether or not such association or person be a trading association or trader or possessed of a goodwill in connection with such examination and certifying. When so registered such trade-mark shall be deemed in all respects to be a registered trade-mark, and such association or person to be the proprietor thereof, save that such trade-mark shall be transmissible or assignable only by permission of the Board of Trade.

#### Sheffield Marks.

**63. Sheffield Marks.]** With respect to the master, wardens, searchers, assistants, and commonalty of the Company of Cutlers in Hallamshire, in the county of York (in this Act called the Cutlers' Company), and the marks or devices (in this Act called Sheffield marks) assigned or registered by the master, wardens, searchers, and assistants of that company, the following provisions shall have effect:—

(1) The Cutlers' Company shall continue to keep at Sheffield the register of trade-marks (in this Act called the Sheffield register) kept by them at the date of the commencement of this Act, and, save as otherwise provided by

this Act, such register shall for all purposes form part of the register:

(2) The Cutlers' Company shall, on request made in the prescribed manner, enter in the Sheffield register, in respect of metal goods as defined in this section, all the trade-marks which shall have been assigned by the Cutlers' Company and actually used before the first day of January one thousand eight hundred and eighty-four, but which have not been entered in such register before the passing of this Act:

(3) An application for registration of a trade-mark used on metal goods shall, if made after the commencement of this Act by a person carrying on business in Hallamshire, or within six miles thereof, be made to the Cutlers' Company:

(4) Every application so made to the Cutlers' Company shall be notified to the Registrar in the prescribed manner, and, unless the Registrar within the prescribed time gives notice to the Cutlers' Company of an objection to the acceptance of the application, it shall be proceeded with by the Cutlers' Company in the prescribed manner:

(5) If the Registrar gives notice of an objection as aforesaid, the application shall not be proceeded with by the Cutlers' Company, but any person aggrieved may in the prescribed manner appeal to the Court:

(6) Upon the registration of a trade-mark in the Sheffield register the Cutlers' Company shall give notice thereof to the Registrar, who shall thereupon enter the mark in the register of trade-marks; and such registration shall bear date as of the day of application to the Cutlers' Company, and have the same effect as if the application had been made to the Registrar on that day:

(7) The provisions of this Act, and of any rules made under this Act with respect to the registration of trade-marks, and all matters relating thereto, shall, subject to the provisions of this section (and notwithstanding anything in any Act relating to the Cutlers' Company), apply to the registration of trade-marks on metal goods by the Cutlers' Company, and to all matters relating thereto; and this Act and any such rules shall, so far as applicable, be construed accordingly with the substitution of the Cutlers' Company, the office of the Cutlers' Company, and the Sheffield register, for the Registrar, the Patent Office, and the Register of Trade-Marks respectively; and notice of every entry, cancellation, or correction made in the Sheffield register shall be given to the Registrar by the Cutlers' Company:

(8) When the Registrar receives from any person not carrying on business in Hallamshire or within six miles thereof an application for registration of a trade-mark used on metal goods, he shall in the prescribed manner notify the application and proceedings thereon to the Cutlers' Company:

(9) Any person aggrieved by a decision of the Cutlers' Company in respect of anything done or omitted under this Act may, in the prescribed manner, appeal to the Court:

(10) For the purposes of this section the expression "metal goods" means all metals, whether wrought, unwrought, or partly wrought, and all goods composed wholly or partly of any metal:

(11) For the purpose of legal proceedings in relation to trade-marks entered in the Sheffield register a certificate under the hand of the Master of the Cutlers' Company shall have the same effect as the certificate of the Registrar.

#### Cotton Marks.

**64. Cotton marks.]—**(1) The Manchester Branch of the Trade-Marks Registry of the Patent Office (hereinafter called "the Manchester Branch") shall be continued according to its present constitution. A chief officer of the Manchester Branch shall be appointed who shall be styled "the Keeper of Cotton Marks," and shall act under the direction of the Registrar. The present keeper of the Manchester Branch shall be the first Keeper of Cotton Marks.

(2) As regards cotton goods which have hitherto constituted classes 23, 24, and 25, under the classification of goods under the Patents, Designs, and Trade-Marks Acts, 1883 to 1902, the Register of Trade-Marks for all such goods, except such as may be prescribed, shall be called "the Manchester Register," and a duplicate thereof shall be kept at the Manchester Branch.

(3) All applications for registration of trade-marks for such cotton goods in the said classes (hereinafter referred to as "cotton marks") shall be made to the Manchester Branch.

(4) Every application so made to the Manchester Branch shall be notified to the Registrar in the prescribed manner together with the report of the Keeper of Cotton Marks thereon, and unless the Registrar, after considering the report and hearing, if so required, the applicant, within the prescribed time gives notice to the Keeper of Cotton Marks of objection to the acceptance of the application, it shall be advertised by the Manchester Branch and shall be proceeded with in the prescribed manner.

(5) If the Registrar gives notice of objection as aforesaid the application shall not be proceeded with, but any person aggrieved may in the prescribed manner appeal to the Court or the Board of Trade, at the option of the applicant.

(6) Upon the registration of a trade-mark in the Manchester Register the Keeper of Cotton Marks shall upon notice thereof from the Registrar thereupon enter the mark in the duplicate of the Manchester Register, and such registration shall bear date as of the day of application of the Manchester Branch, and shall have the same effect as if the application had been made to the Registrar on that day.

(7) When any mark is removed from or any cancellation or correction made in the Manchester Register notice thereof shall be given by the Registrar to the Keeper of Cotton Marks, who shall alter the duplicate register accordingly.

(8) For the purpose of all proceedings in relation to trade-marks entered in the Manchester Register a certificate under the hand of the Keeper of Cotton Marks shall have the same effect as a certificate of the Registrar.

(9) In every application for registration of a cotton mark, if such mark has been used by the applicant or his predecessors in business prior to the date of application, the length of time of such use shall be stated on the application.

(10) As from the passing of this Act—

(a) In respect of cotton piece goods and cotton yarn no mark consisting of a word or words alone (whether invented or otherwise) shall be registered, and no word or words shall be deemed to be distinctive in respect of such goods:

(b) In respect of cotton piece goods no mark consisting of a line heading alone shall be registered, and no line heading shall be deemed to be distinctive in respect of such goods:

(c) No registration of a cotton mark shall give any exclusive right to the use of any word, letter, numeral, line heading, or any combination thereof.

(11) The right of inspection of the Manchester Register shall extend to and include the right to inspect all applications whatsoever that have been since the passing of the Trade-Marks Registration Act, 1875 [39 & 40 Vict. c. 33], and hereafter shall have been made to the Manchester Branch in respect of cotton goods in classes 23, 24 and 25, whether registered, refused, lapsed, expired, withdrawn, abandoned, cancelled, or pending.

(12) The Keeper of Cotton Marks shall, on request, and on production of a facsimile of the mark, and on payment of the prescribed fee, issue a certified copy of the application for registration of any cotton mark, setting forth in such certificate the length of time of use (if any) of such mark as stated on the application, and any other particulars he may deem necessary.

(13) As regards any rules or forms affecting cotton marks which are proposed by the Board of Trade to be made, the draft of the same shall be sent to the Keeper of Cotton Marks and also to the Manchester Chamber of Commerce. And the said Keeper, and also the said Chamber, shall, if they or either of them so request, be entitled to be heard

by the Board of Trade upon such proposed rules before the same are carried into effect.

(14) The existing practice whereby the keeper of the Manchester Branch consults the Trade and Merchandise Marks Committee appointed by the Manchester Chamber of Commerce upon questions of novelty or difficulty arising on applications to register cotton marks shall be continued by the Keeper of Cotton Marks.

*International and Colonial Arrangements.*

**65. International and Colonial Arrangements.]** The provisions of sections one hundred and three and one hundred and four of the Patents, Designs, and Trade-Marks Act, 1883 (as amended by the Patents, Designs, and Trade-Marks (Amendment) Act, 1885 [48 & 49 Vict. c. 63]), relating to the registration of trade-marks both as enacted in such Acts and as applied by any Order in Council made thereunder, shall be construed as applying to trade-marks registrable under this Act.

*Offences.*

**66. Falsification of entries in register.]** If any person makes or causes to be made a false entry in the register kept under this Act, or a writing falsely purporting to be a copy of an entry in any such register, or produces or tenders or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, he shall be guilty of a misdemeanour.

**67. Penalty on falsely representing a trade-mark as registered.]**—(1) Any person who represents a trade-mark as registered which is not so, shall be liable for every offence on summary conviction to a fine not exceeding five pounds.

(2) A person shall be deemed, for the purposes of this enactment, to represent that a trade-mark is registered, if he uses in connection with the trade-mark the word "registered," or any words expressing or implying that registration has been obtained for the trade-mark.

*Royal Arms.*

**68. Unauthorised assumption of Royal Arms.]** If any person, without the authority of His Majesty, uses in connection with any trade, business, calling, or profession, the Royal Arms (or arms so closely resembling the same as to be calculated to deceive) in such manner as to be calculated to lead to the belief that he is duly authorised so to use the Royal Arms, or if any person without the authority of His Majesty or of a member of the Royal Family, uses in connection with any trade, business, calling, or profession any device, emblem, or title in such manner as to be calculated to lead to the belief that he is employed by or supplies goods to His Majesty or such member of the Royal Family, he may, at the suit of any person who is authorised to use such arms or such device, emblem, or title, or is authorised by the Lord Chamberlain to take proceedings in that behalf, be restrained by injunction or interdict from continuing so to use the same: Provided that nothing in this section shall be construed as affecting the right, if any, of the proprietor of a trade-mark containing any such arms, device, emblem, or title to continue to use such trade-mark.

*Courts.*

**69. General saving for jurisdiction of courts.]** The provisions of this Act conferring a special jurisdiction on the Court as defined by this Act shall not, except so far as the jurisdiction extends, affect the jurisdiction of any court in Scotland or Ireland in any proceedings relating to trade-marks; and with reference to any such proceedings in Scotland the term "the Court" shall mean the Court of Session; and with reference to any such proceedings in Ireland the term "the Court" shall mean the High Court of Justice in Ireland.

**70. Isle of Man.]**—This Act shall extend to the Isle of Man, and—

(1) Nothing in this Act shall affect the jurisdiction of the Courts in the Isle of Man in proceedings for infringement or in any action or proceeding respecting a trade-mark competent to those courts:

(2) The punishment for a misdemeanor under this Act in the Isle of Man shall be imprisonment for any term not exceeding two years, with or without hard labour and

with or without a fine not exceeding one hundred pounds, at the discretion of the court:

(3) Any offence under this Act committed in the Isle of Man which would in England be punishable on summary conviction may be prosecuted, and any fine in respect thereof recovered at the instance of any person aggrieved, in the manner in which offences punishable on summary conviction may for the time being be prosecuted.

**71. Jurisdiction of Lancashire Palatine Court.]** The Court of Chancery of the County Palatine of Lancaster shall, with respect to any action or other proceeding in relation to trade-marks, the registration whereof is applied for in the Manchester Branch, have the like jurisdiction under this Act as His Majesty's High Court of Justice in England, and the expression "the Court" in this Act shall be construed and have effect accordingly:

Provided that every decision of the Court of Chancery of the County Palatine of Lancaster in pursuance of this section shall be subject to the like appeal as decisions of that Court in other cases.

**72. Offences in Scotland.]** In Scotland any offence under this Act declared to be punishable on summary conviction may be prosecuted in the Sheriff Court.

*Repeal; Savings.*

**73. Repeal and saving for rules, &c.]** The enactments described in the schedule to this Act are repealed to the extent mentioned in the third column, but this repeal shall not affect any rule, table of fees, or classification of goods made under any enactment so repealed, but every such rule, table of fees, or classification of goods shall continue in force as if made under this Act until superseded by rules, tables of fees, or classification under this Act.

**74. Application of 46 & 47 Vict. c. 57, ss. 82-84.]** The provisions of sections eighty-two to eighty-four of the Patents, Designs, and Trade-Marks Act, 1883, as amended by any subsequent enactment, shall continue to apply with respect to the administration at the Patent Office of the Law relating to the registration of trade-marks, and shall accordingly be construed as if this Act formed part of that Act.

SCHEDULE.

[Section 73.]

ENACTMENTS REPEALED.

| Session and Chapter. | Short Title.                                     | Extent of Repeal.  |
|----------------------|--|--|
| 46 & 47 Vict. c. 57. | The Patents, Designs, and Trade-Marks Act, 1883. | Sections sixty-two to eighty-one, and, so far as they respectively relate to trade-marks, sections eighty-five to ninety-nine, one hundred and one, one hundred and two, one hundred and five, one hundred and eight, and one hundred and eleven to one hundred and seventeen. |
| 51 & 52 Vict. c. 50. | The Patents, Designs, and Trade-Marks Act, 1888. | Sections eight to twenty, and, so far as they respectively relate to trade-marks, sections twenty-one to twenty-six.   |

CHAPTER 15.

[Isle of Man (Customs) Act, 1905.]

An Act to amend the Law with respect to Customs Duties in the Isle of Man.

[11th August 1905.]

CHAPTER 17.

[Appropriation Act, 1905.]

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand nine hundred and four and one thousand nine hundred and six, and to appropriate the Supplies granted in this Session of Parliament.

[11th August 1905.]

CHAPTER 18.

[Unemployed Workmen Act, 1905.]

An Act to establish organisation with a view to the provision of Employment or Assistance for Unemployed Workmen in proper cases.

[11th August 1905.]

Be it enacted, &c.:

**1. Organisation for London.]**—(1) For the purposes of this Act there shall be established, by order of the Local Government Board under this Act, a distress committee of the council of every metropolitan borough in London, consisting partly of members of the borough council and partly of members of the board of guardians of every poor law union wholly or partly within the borough and of persons experienced in the relief of distress, and a central body for the whole of the administrative county of London, consisting partly of members of, and selected by, the distress committees and of members of, and selected by, the London County Council, and partly of persons co-opted to be additional members of the body, and partly, if the order so provides, of persons nominated by the Local Government Board, but the number of the persons so co-opted and nominated shall not exceed one-fourth of the total number of the body, and every such order shall provide that one member at least of the committee or body established by the order shall be a woman.

(2) The distress committee shall make themselves acquainted with the conditions of labour within their area, and when so required by the central body shall receive, inquire into, and discriminate between any applications made to them from persons unemployed:

Provided that a distress committee shall not entertain an application from any person unless they are satisfied that he has resided in London for such period, not being less than twelve months, immediately before the application, as the central body fix as a residential qualification.

(3) If the distress committee are satisfied that any such applicant is honestly desirous of obtaining work, but is temporarily unable to do so from exceptional causes over which he has no control, and consider that his case is capable of more suitable treatment under this Act than under the poor law, they may endeavour to obtain work for the applicant, or, if they think the case is one for treatment by the central body rather than by themselves, refer the case to the central body, but the distress committee shall have no power to provide, or contribute towards the provision of, work for any unemployed person.

(4) The central body shall superintend and, as far as possible, co-ordinate the action of the distress committees, and aid the efforts of those committees by establishing, taking over, or assisting labour exchanges and employment registers, and by the collection of information and otherwise as they think fit.

(5) The central body may, if they think fit, in any case of an unemployed person referred to them by a distress committee, assist that person by aiding the emigration or removal to another area of that person and any of his dependents, or by providing, or contributing towards the provision of, temporary work in such manner as they think best calculated to put him in a position to obtain regular work or other means of supporting himself.

(6) Any expenses of the central body under this Act, and such of the expenses of the distress committees under this Act as are incurred with the consent of the central body, shall be defrayed out of the central fund under the management of the central body, which shall be supplied by voluntary contributions given for the purpose, and by contributions made on the demand of the central body by the council of each metropolitan borough

in proportion to the rateable value of the borough and paid as part of the expenses of the council:

Provided that—

(a) A separate account shall be kept of all sums supplied by contributions made by councils of the metropolitan boroughs, and no expenses except—

(i.) establishment charges of the central body and the distress committees, including the expenses incurred by them in respect of labour exchanges and employment registers and in the collection of information; and

1.) the expenses incurred by the central body in aiding the emigration or removal to another area of an unemployed person and any of his dependants; and

(ii.) the expenses incurred by the central body in relation to the acquisition, with the consent of the Local Government Board, of land for the purposes of this Act;

shall be paid out of that account.

(b) No such contribution by a council shall in any year exceed the amount which would be produced by a rate of one halfpenny in the pound calculated on the whole rateable value of the borough, or such higher rate, not exceeding one penny, as the Local Government Board may approve.

(7) The provision of temporary work or other assistance for any person under this Act shall not disentitle him to be registered or to vote as a parliamentary, county, or parochial elector, or as a burgess.

(8) This section shall apply to the City of London as if the City of London were a metropolitan borough, and the mayor, aldermen, and commons of the City of London in common council assembled were the council of the borough, and any contribution required for the purposes of this Act shall be paid out of the consolidated rate, but shall not be reckoned in calculating the amount of the rate for the purpose of any limit on that amount.

(9) The Local Government Board may, upon the application of the council of any borough or district adjoining or near to London, by order, extend the provisions of this section to that borough or district as if the borough or district were a metropolitan borough and were within the administrative county of London, and with such other modifications and adaptations as to the Board may appear necessary.

**2. Organisation outside London.**—(1) There shall be established by order of the Local Government Board for each municipal borough and urban district with a population, according to the last census for the time being, of not less than fifty thousand, and not being a borough or district to which the provisions of section one of this Act have been extended, a distress committee of the council for the purposes of this Act, with a similar constitution to that of a distress committee in London, and the distress committee so established shall, as regards their borough or district, have the same duties and powers, so far as applicable, as are given by this Act to the distress committees and central body in London.

This provision shall extend to any municipal borough or urban district with a population, according to the last census for the time being of less than fifty thousand but not less than ten thousand, if the council of the borough or district make an application for the purpose to the Local Government Board, and the Board consent.

(2) Subject as aforesaid, the Local Government Board may, on the application of any county or borough or district council, or board of guardians, or, if they think it expedient, without any such application, by order establish for the purposes of this Act in any county or part of a county a central body and distress committees with similar constitutions to those of the central body and distress committees in London, and the body and committees so established shall, subject to any exceptions made by the order, have the same duties and powers as respects their area as are given by this Act to the central body and distress committees respectively in London.

For the purpose of this provision a county borough with a population of less than fifty

thousand shall be deemed to be included in the county in which it is, for the purposes of the Local Government Act, 1888 [51 & 52 Vict. c. 41], deemed to be situated.

(3) Where a central body and distress committees have not been established under this Act for the whole of a county, the council of that county, and, where a distress committee has not been established under this Act for a county borough, the council of that county borough, shall constitute a special committee under this Act, consisting of members of the council, with power to co-opt any persons to be additional members of the committee; but the number of persons so co-opted shall not exceed one-fourth of the total number of the committee.

It shall be the duty of the council, in such a case, through the special committee, to collect information with respect to the conditions of labour within their area by establishing, taking over, or assisting labour exchanges and employment registers, and in such other manner as they think fit, and to supply any such information when required.

Any expenses incurred by a council under this provision shall be paid in the case of a county council out of the county fund as expenses for special or general county purposes, as the circumstances may require, and in the case of a borough council out of the borough fund or borough rate.

(4) Where any order is made under this section as respects any area, the provisions of this Act relating to London shall apply with respect to that area, with such necessary modifications and adaptations as may be made by the order.

**3. Temporary provision pending establishment of proper organisation.]** Where at any time a central body and distress committees or a distress committee are about to be established for any area under this Act, any body already established in that area, whether before or after the passing of this Act, for the purpose of dealing with the unemployed, and any special committee under this Act, may, if the Local Government Board think fit, be temporarily constituted by order of that Board a central body or a distress committee, as the case may be, until the establishment in accordance with this Act of a central body and distress committees or of a distress committee for that area.

**4. Local Government Board orders and regulations.]**

—(1) An order of the Local Government Board under this Act establishing a central body or distress committee may provide for the constitution and proceedings of that body or committee, and, in the case of an order establishing a central body, for the incorporation of that body by an appropriate name, and, where any property or liabilities are taken over from any other body, for effecting by virtue of the order the transfer of that property or those liabilities, and also for any matter for which provision may be made by regulations under this Act, and for which it appears desirable to make special provision affecting only the body or committee established by the order.

(2) An order of the Local Government Board under this Act may be varied and revoked by any subsequent order of the Board made under this Act.

(3) The Local Government Board may make regulations for carrying into effect this Act, and may by those regulations, amongst other things, provide—

(a) for regulating, subject to the provisions of this Act, the conditions under which any application may be entertained by a distress committee under this Act and the conditions under which a central body may aid emigration or removal, or provide or contribute towards the provision of work under this Act, and otherwise for regulating the manner in which any duties under this Act are to be performed or powers exercised by any central body or distress committee or special committee under this Act; and

(b) for authorising the establishment, with the consent of the Local Government Board, of farm colonies by a central body established under this Act, and the provision, with the like consent, by such a body of temporary accommodation for persons for whom work upon the land is provided; and

(c) for authorising and regulating the

acquisition by a central body of land by agreement for the purposes of this Act, and the disposal of any land so acquired; and

(d) for the employment of officers and provision of offices, and for enabling any inspector of the Local Government Board to attend the meeting of any body or committee established under this Act; and

(e) for authorising the acceptance of any money or property by a central body established under this Act, and for regulating the administration of any money or property so acquired; and

(f) for the payment of any receipts of a central body to the central fund, and for the apportionment, if necessary, of those receipts between the voluntary contribution account and the rate contribution account of that fund; and

(g) for the audit of the accounts of any central body established under this Act in the same manner and subject to the same provisions as to any matters incidental to the audit or consequential thereon as the accounts of a county council; and

(h) for enforcing the payment of contributions by any councils liable to make such contributions in pursuance of this Act, and for authorising and regulating the borrowing of money by a central body established under this Act; and

(i) for facilitating the co-operation of any body or committee having powers under this Act for any area with any other body or committee, or with any local authority, and the provision of assistance by one such body or committee to another; and

(k) for applying, with the necessary adaptations, to a distress committee having the powers of a central body regulations relating to a central body; and

(l) for the holding of local inquiries by the Local Government Board for the purposes of this Act, and for requiring returns to be made to the Board by any body or committee having powers under this Act; and

(m) for the application for the purposes of this Act, as respects any matters to be dealt with by the regulations, of any provision in any Act of Parliament dealing with the like matters, with any necessary modifications or adaptations.

All regulations made under this Act shall be laid as soon as may be before Parliament.

**5. Application to Scotland.]** In the application of this Act to Scotland—

(1) "The Local Government Board for Scotland" shall be substituted for "the Local Government Board";

(2) "Royal, parliamentary, or police burgh" shall be substituted for "municipal borough and urban district" and for "borough or district";

(3) "Parish" shall be substituted for "poor law union," "parish council" shall be substituted for "board of guardians," and "town council" shall be substituted for "council of the borough or district" and for "borough or district council";

(4) "Royal, parliamentary, or police burgh with a population, according to the last census for the time being, of less than fifty thousand, but not less than twenty thousand," shall be substituted for "county borough";

(5) References to special county purposes shall not apply;

(6) "Burgh general improvement assessment" or any other assessment leviable in equal proportions on owners and occupiers shall be substituted for "borough fund or borough rate": Provided that any rate under this Act shall not be reckoned in calculating the amount of such assessment for the purpose of any statutory limit on such assessment;

(7) "Inspector" shall include general superintendent and visiting officer;

(8) Sections forty-seven, fifty-two, and fifty-three of the Local Government (Scotland) Act, 1894 [57 & 58 Vict. c. 58], shall be substituted for sections eighty-five, eighty-

CHAPTER 20.

[*Naval Works Act, 1905.*]

An Act to make further provision for the construction of works in the United Kingdom and elsewhere for the purposes of the Royal Navy. [11th August 1905.]

Be it enacted, &c.:

1. *Issue of money for works mentioned in schedule.*—In addition to any sum authorized to be issued under any other Act, the Treasury shall issue out of the Consolidated Fund or the growing produce thereof such sums, not exceeding in the whole five million eight hundred and thirty-five thousand pounds, as may be required by the Admiralty for defraying the cost of the works specified in the schedule to this Act, subject to the terms and conditions in sections three and five of the Naval Works Act, 1896 [59 & 60 Vict. c. 6], and those sections and section five of the Naval Works Act, 1895 [58 & 59 Vict. c. 35] (which relates to the mode in which money may be raised), shall be construed as if they were herein re-enacted and in terms made applicable to this Act, but in the application of the said section five to the maximum period of the terminable annuities shall be a period not exceeding thirty years from the dates of borrowing, instead of a period not exceeding thirty years from the passing of the Naval Works Act, 1895.

(2) The Bank of England may lend any money which the Treasury are authorized to raise under this Act.

2. *Short title.* This Act may be cited as the Naval Works Act, 1905.

SCHEDULE.

[Section 1]

HEADS OF PROPOSED EXPENDITURE.

| Works.   | Total Estimated Cost, 1905. | Expenditure to 31st March, 1904. | Estimated Expenditure from 1st April, 1904, to 31st March, 1905. | Estimated Expenditure for the Financial Year 1905-1906 and 1906-1907. | Expected Date of Completion. |
|--|-----------------------------|----------------------------------|--|---|------------------------------|
| 1.   | 2.                          | 3.                               | 4.   | 5.  | 6.                           |
| <i>(a) Enclosure and Defence of Harbours.</i>              |                             |                                  |  |   |                              |
| Gibraltar ... ..   | £ 1,199,000                 | £ 1,183,441                      | £ 5,782  | £ 9,777   | 1905-6                       |
| Gibraltar, Commercial Mole ...                             | 669,000                     | 524,031                          | 81,657   | 63,312  | 1905-6                       |
| Portland ... ..  | *650,000                    | 596,590                          | 50,296   | 3,114   | 1905-6                       |
| Dover ... ..   | 3,500,000                   | 1,977,753                        | 309,073  | 755,000   | 1908-9                       |
| Malta Breakwater ... ..                                    | 950,000                     | 35,065                           | 20,610   | 326,000   | 1909-10                      |
| <i>(b) Adapting Naval Ports to present Needs of Fleet.</i> |                             |                                  |  |   |                              |
| Deepening harbours and approaches                          | †1,360,000                  | 1,100,886                        | 125,162  | 133,952   | 1905-6                       |
| Keyham Dockyard Extension ...                              | 4,500,000                   | 2,831,229                        | 424,250  | 768,000   | 1908-9                       |
| Portsmouth Docks ... ..                                    | 372,502                     | 372,502                          | —  | —   | Completed.                   |
| Gibraltar Dockyard Extension...                            | 2,809,000                   | 1,740,953                        | 404,247  | 500,045   | 1907-8                       |
| Hong Kong Dockyard Extension                               | 1,500,000                   | 642,951                          | 240,549  | 476,000   | 1907-8                       |
| Colombo Dock ... ..  | 159,000                     | 102,560                          | 27,440   | 29,000  | 1905-6                       |
| Pembroke Jetty, &c. ... ..                                 | 133,500                     | 92,530                           | 40,225   | 745   | Completed.                   |
| Portsmouth, widening Caisson...                            | 40,466                      | 40,466                           | —  | —   | Completed.                   |
| Haulbowline Improvements ...                               | 62,602                      | 62,602                           | —  | —   | Completed.                   |
| Chatham Dock ... ..  | 450,000                     | 365,446                          | 68,354   | 16,200  | 1905-6                       |
| Malta Dockyard Extension ...                               | 1,250,000                   | 478,332                          | 217,661  | 391,254   | 1907-8                       |
| Bermuda Dockyard Extension ...                             | 600,000                     | 369,758                          | 82,565   | 138,221   | 1907-8                       |
| Simon's Bay Dockyard Extension, &c.                        | ‡2,500,000                  | 160,201                          | 196,821  | 864,850   | 1908-9                       |
| Coaling facilities and fuel storage                        | §1,280,000                  | 432,430                          | 177,951  | 540,000   | 1907-8                       |
| Chatham Dockyard Extension ...                             | 70,000                      | 4,121                            | 32,579   | 33,300  | 1906-7                       |
| Sheerness Depot for Torpedo Boat Destroyers.               | 220,000                     | 9,818                            | 55,282   | 152,945   | 1907-8                       |
| Naval establishment at Rosyth ..                           | *200,000                    | 147,719                          | 2,961  | 49,320  | 1906-7†                      |
| <i>(c) Naval Barracks, &amp;c.</i>                         |                             |                                  |  |   |                              |
| Chatham Naval Barracks ... ..                              | 500,000                     | 454,998                          | 10,029   | 34,973  | 1906-7                       |
| †Gunners Schools ... ..                                    | 470,000                     | 3,923                            | 14,035   | 250,000   | 1907-8                       |

\* An expenditure of £40,549 was incurred during 1893-4 and 1894-5 in erecting dolphins on the line of the breakwater, and was charged to Navy Vote 10 in those years. This is in addition to the estimate of £650,000.  
† Exclusive of the cost of dredging plant purchased prior to 31st March, 1898. Expenditure subsequent to 31st March, 1906, will be charged to Navy Vote 10.  
‡ An expenditure of £8,312 was incurred during 1896-7 to 1898-9, on the preliminary survey for this work, and was charged to Navy Vote 10 in those years. This is in addition to the estimate of £2,500,000.  
§ Expenditure in excess of £1,280,000 will be charged to Navy Votes (8 and 10).  
¶ These figures refer to preliminary works only. Subsequent expenditure will be charged to Navy Votes.  
‡ Includes the item formerly described as "Naval Barracks for Medway Gunners School."

| Works.  | Total<br>Estimated<br>Cost, 1905. | Expenditure<br>to<br>31st March,<br>1904. | Estimated<br>Expenditure<br>from 1st<br>April, 1904,<br>to 31st<br>March, 1905. | Estimated<br>Expenditure<br>for the<br>Financial<br>Years<br>1905-1906<br>and<br>1906-1907. | Expected<br>Date of<br>Completion. |
|---|-----------------------------------|---|---|---|------------------------------------|
| 1.  | 2.                                | 3.  | 4.  | 5.  | 6.                                 |
|   | £                                 | £   | £   | £   |                                    |
| Portsmouth Naval Barracks ...                             | 751,400                           | 599,138                                   | 48,136  | 104,126   | 1906-7                             |
| Keyham Naval Barracks ...                                 | 281,000                           | 199,725                                   | 14,465  | 56,810  | 1907-8                             |
| Chatham Naval Hospital ...                                | 404,000                           | 294,876                                   | 63,102  | 46,022  | 1906-7                             |
| Walmer Marine Depot ...                                   | 17,658                            | 17,658                                    | —   | —   | Completed.                         |
| Keyham Engineers' College ...                             | 23,295                            | 23,298                                    | —   | —   | Completed.                         |
| "Britannia" R.N. College ...                              | 425,000                           | 258,572                                   | 58,428  | 108,000   | 1906-7                             |
| Magazines ..  | 1,335,000                         | 657,727                                   | 208,199   | 297,100   | 1909-10                            |
| Haslar Hospital Extension ...                             | 67,978                            | 67,978                                    | —   | —   | Completed.                         |
| Haulbowline Zymotic Hospital...                           | 12,856                            | 12,856                                    | —   | —   | Completed.                         |
| Coast Guard Stations and Royal<br>Naval Reserve Batteries | 200,000                           | 9,938                                     | 79,191  | 110,871   | 1906-7                             |
| Torpedo ranges ...  | *320,000                          | 142                                       | 17,958  | 90,000  | 1908-9                             |
| Electric light and power in Naval<br>establishments.      | 1,750,000                         | 22,147                                    | 292,753   | 1,030,750   | 1908-9                             |
| (d) Superintendence and Miscel-<br>laneous Charges        | 1,173,673                         | 520,155                                   | 105,264   | 324,593   | —                                  |
|   | 32,206,933                        | 16,414,515                                | 3,475,025   | 7,704,280   | —                                  |
| Total of columns 3, 4, and 5                              | ...                               | ...                                       | £27,593,820†  |   |                                    |

\* An expenditure of £86 was incurred on this item in 1902-3 and charged to Navy Vote 10. This is in addition to the estimate of £390,000.

† Total estimated expenditure to 31st March 1907 ... £27,593,820

Expenditure already authorized, viz:—

|   |            |
|---|------------|
| Out of Navy Votes (8 and 10) prior to inclusion of works in Loan Acts | £241,920   |
| By Act of 1895 (£1,000,000 less £140,000 lapsed)                      | 880,000    |
| By Act of 1896  | 2,780,000  |
| By Act of 1897  | 654,000    |
| By Act of 1899  | 3,100,000  |
| By Act of 1901  | 6,157,000  |
| By Act of 1903  | 7,996,000  |
|   | 21,768,920 |

Further expenditure to be authorised by this Act... £5,825,000

## CHAPTER 21.

## [Expiring Laws Continuance Act, 1905.]

An Act to continue various Expiring Laws  
[11th August 1905.]

Whereas the Acts mentioned in Part I. of the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December nineteen hundred and five:

And whereas the Act mentioned in Part II. of the Schedule to this Act is, to the extent aforesaid, limited to expire at the end of the session of Parliament next after the thirty-first day of December nineteen hundred and five:

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts, and of the enactments amending or affecting the same:

Be it therefore enacted, &c.:

1. *Continuance of Acts in Schedule.*—(1) The Acts mentioned in the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of December nineteen hundred and six, and shall then expire, unless further continued.

(2) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the Schedule to this Act or not.

2. *Short Title.* This Act may be cited as the Expiring Laws Continuance Act, 1905.

## SCHEDULE.

## PART I.

| 1.<br>Session and Chapter.   | 2.<br>Short Title.                            | 3.<br>How far continued.   | 4.<br>Amending Acts.   |
|------------------------------|---|--|--|
| (1.)<br>5 & 6 Will. 4, c. 27 | The Linen Manufactures (Ireland) Act, 1835    | The whole Act  | 3 & 4 Vict. c. 91.<br>5 & 6 Vict. c. 68.<br>7 & 8 Vict. c. 47.<br>30 & 31 Vict. c. 60.   |
| (2.)<br>3 & 4 Vict. c. 89    | The Poor Rate Exemption Act, 1840             | The whole Act.   | —  |
| (3.)<br>4 & 5 Vict. c. 30    | The Ordnance Survey Act, 1841                 | The whole Act  | 33 Vict. c. 13.<br>47 & 48 Vict. c. 43.<br>52 & 53 Vict. c. 30.  |
| (4.)<br>10 & 11 Vict. c. 98  | The Ecclesiastical Jurisdiction Act, 1847     | As to the provisions continued by 21 & 22 Vict. c. 50.                             | —  |
| (5.)<br>14 & 15 Vict. c. 104 | The Episcopal and Capitular Estates Act, 1851 | The whole Act  | 17 & 18 Vict. c. 116.<br>21 & 22 Vict. c. 94.<br>22 & 23 Vict. c. 46.<br>23 & 24 Vict. c. 124.<br>31 & 32 Vict. c. 114, s. 10. |
| (6.)<br>17 & 18 Vict. c. 102 | The Corrupt Practices Prevention Act, 1854    | So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883. | 26 & 27 Vict. c. 29, s. 6.<br>31 & 32 Vict. c. 125.<br>46 & 47 Vict. c. 51.  |
| (7.)<br>23 & 24 Vict. c. 19  | The Labourers (Ireland) Act, 1860             | The whole Act.   | —  |
| (8.)<br>26 & 27 Vict. c. 105 | The Promissory Notes Act, 1863                | The whole Act  | 45 & 46 Vict. c. 61.   |
| (9.)<br>27 & 28 Vict. c. 20  | The Promissory Notes (Ireland) Act, 1864      | The whole Act.   | —  |
| (10.)<br>28 & 29 Vict. c. 46 | The Militia (Ballot Suspension) Act, 1865     | The whole Act  | 45 & 46 Vict. c. 49.   |
| (11.)<br>28 & 29 Vict. c. 83 | The Locomotives Act, 1865                     | The whole Act  | 41 & 42 Vict. c. 58.<br>41 & 42 Vict. c. 77 (Part II.).<br>59 & 60 Vict. c. 36.<br>61 & 62 Vict. c. 29.                        |
| (12.)<br>29 & 30 Vict. c. 52 | The Prosecutions Expenses Act, 1866           | The whole Act.   | —  |

| 1.<br>Session and Chapter.                 | 2.<br>Short Title.   | 3.<br>How far continued.  | 4.<br>Amending Acts.  |
|--|--|---|---|
| 1905.]<br>31 & 32 Vict. c. 125 . . . (13.) | The Parliamentary Elections Act, 1868 . . .  | So much as is continued by the<br>Corrupt and Illegal Practices<br>Prevention Act, 1883.                                  | 42 & 43 Vict. c. 75.<br>46 & 47 Vict. c. 51.  |
| 32 & 33 Vict. c. 21 . . . (14.)            | The Corrupt Practices Commission Expenses Act, 1869 . . .                          | The whole Act . . .   | 34 & 35 Vict. c. 61.  |
| 32 & 33 Vict. c. 56 . . . (15.)            | The Endowed Schools Act, 1869 . . .  | As to the powers of making<br>schemes.  | 36 & 37 Vict. c. 87.<br>37 & 38 Vict. c. 87.<br>52 & 53 Vict. c. 40.  |
| 33 & 34 Vict. c. 112 . . . (16.)           | The Glebe Loan (Ireland) Act, 1870 . . .   | The whole Act . . .   | 34 & 35 Vict. c. 100.<br>49 Vict. c. 6.   |
| 34 & 35 Vict. c. 87 . . . (17.)            | The Sunday Observation Prosecution Act, 1871 . . .                                 | The whole Act.  | —   |
| 35 & 36 Vict. c. 33 . . . (18.)            | The Ballot Act, 1872 . . .   | The whole Act . . .   | 45 & 46 Vict. c. 50. (Municipal<br>Elections.)  |
| 38 & 39 Vict. c. 84 . . . (19.)            | The Parliamentary Elections (Returning Officers) Act,<br>1875.                     | The whole Act . . .   | 46 & 47 Vict. c. 51, s. 32.<br>48 & 49 Vict. c. 62.<br>49 & 50 Vict. c. 57.   |
| 39 & 40 Vict. c. 21 . . . (20.)            | The Jurors Qualification (Ireland) Act, 1876 . . .                                 | The whole Act . . .   | 57 & 58 Vict. c. 49.<br>61 & 62 Vict. c. 37, s. 69.   |
| 41 & 42 Vict. c. 41 . . . (21.)            | The Parliamentary Elections Returning Officers Ex-<br>penses (Scotland) Act, 1878. | The whole Act . . .   | 48 & 49 Vict. c. 62.<br>49 & 50 Vict. c. 58.<br>54 & 55 Vict. c. 49.  |
| 41 & 42 Vict. c. 72 . . . (22.)            | The Sale of Liquors on Sunday (Ireland) Act, 1878 . . .                            | The whole Act.  | —   |
| 43 Vict. c. 18 . . . (23.)                 | The Parliamentary Elections and Corrupt Practices Act,<br>1880.                    | The whole Act . . .   | 46 & 47 Vict. c. 51.  |
| 43 & 44 Vict. c. 42 . . . (24.)            | The Employers' Liability Act, 1880 . . .   | The whole Act.  | —   |
| 44 & 45 Vict. c. 5 . . . (25.)             | The Peace Preservation (Ireland) Act, 1881 . . .                                   | The whole Act . . .   | 49 & 50 Vict. c. 24.<br>50 & 51 Vict. c. 20.  |
| 46 & 47 Vict. c. 51 . . . (26.)            | The Corrupt and Illegal Practices Prevention Act, 1883                             | The whole Act . . .   | 58 & 59 Vict. c. 40.  |
| 46 & 47 Vict. c. 60 . . . (27.)            | The Labourers (Ireland) Act, 1883 . . .  | The whole Act . . .   | 48 & 49 Vict. c. 77.<br>49 & 50 Vict. c. 59.<br>54 & 55 Vict. c. 48.<br>54 & 55 Vict. c. 71.<br>55 & 56 Vict. c. 7.<br>59 & 60 Vict. c. 53.<br>61 & 62 Vict. c. 37.<br>3 Edw. 7. c. 37 (Part IV.) |
| 47 & 48 Vict. c. 70 . . . (28.)            | The Municipal Elections (Corrupt and Illegal Practices)<br>Act, 1884.              | The whole Act . . .   | 56 & 57 Vict. c. 73.  |
| 49 & 50 Vict. c. 29 . . . (29.)            | The Crofters Holdings (Scotland) Act, 1886 . . .                                   | As to the powers of the Com-<br>missioners for the enlarge-<br>ment of holdings, s. 22.                                   | 50 & 51 Vict. c. 24.<br>51 & 52 Vict. c. 63.<br>54 & 55 Vict. c. 41.  |
| 51 & 52 Vict. c. 55 . . . (30.)            | The Sand Grouse Protection Act, 1888 . . .   | The whole Act.  | —   |
| 52 & 53 Vict. c. 40 . . . (31.)            | The Welsh Intermediate Education Act, 1889 . . .                                   | As to the powers of the joint<br>education committee and the<br>suspension of the powers of<br>the Charity Commissioners. | 53 & 54 Vict. c. 60.  |
| 58 & 59 Vict. c. 21 . . . (32.)            | The Seal Fisheries (North Pacific) Act, 1895 . . .                                 | The whole Act.  | —   |
| 59 Vict. c. 1 . . . (33.)                  | The Local Government (Elections) Act, 1896 . . .                                   | The whole Act.  | —   |
| 59 & 60 Vict. c. 48 . . . (34.)            | The Light Railways Act, 1896 . . .   | As to the powers of the Light<br>Railway Commissioners.   | —   |
| 61 & 62 Vict. c. 49 . . . (35.)            | The Vaccination Act, 1898 . . .  | The whole Act.  | —   |

## PART II.

| 1.<br>Session and Chapter. | 2.<br>Short Title.                  | 3.<br>How far continued. | 4.<br>Amending Acts. |
|----------------------------|-------------------------------------|--------------------------|----------------------|
| 57 & 58 Vict. c. 12 . . .  | The Indian Railways Act, 1894 . . . | The whole Act.           | —                    |

## CHAPTER 22.

[Public Works Loans Act, 1905.]

An Act to grant Money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans. [11th August 1905.]

Be it enacted, &c.:

1. *Appointment of Public Works Loan Commissioners for five years.*] Whereas the term of office of persons who are, at the passing of this Act, Public Works Loan Commissioners under the Public Works Loans Act, 1875 [38 & 39 Vict. c. 89], will expire at the end of a period of five years from the first day of April nineteen hundred and one, and it is expedient to appoint Commissioners for a further period of five years; therefore the following persons (that is to say):—

Sir Herbert Barnard,  
Edward Norman, Esquire,  
Samuel Stuart Gladstone, Esquire,  
The Honourable Herbert Cokayne Gibbs,  
Sir Edward Birkbeck, Baronet,  
His Honour Judge O'Connor, K.C.,  
The Honourable Sir Charles William Fremantle, K.C.B.,  
The Honourable Evelyn Hubbard,  
Francis William Buxton, Esquire,  
Edward Henry Lloyd, Esquire,  
Frederick Greene, Esquire,  
Colonel Amelius Richard Mark Lockwood, M.P.,  
The Right Honourable Lord Hillingdon,  
The Honourable James Henry Cecil Hozier, M.P.,  
David Lloyd-George, Esquire, M.P.,  
William Douro Hoare, Esquire,  
Robert Lydston Newman, Esquire,  
The Right Honourable the Earl of Chichester,

shall after the passing of this Act be the Public Works Loan Commissioners under the Public Works Loans Act, 1875, and shall hold office until the expiration of five years from the first day of April nineteen hundred and six.

2. *Grants for public works.*]—(1) For the purpose of local loans there may be issued by the National Debt Commissioners the following sums, namely:—

(a) For the purpose of loans by the Public Works Loan Commissioners any sum or sums not exceeding in the whole the sum of four million five hundred thousand pounds;

(b) For the purpose of loans by the Commissioners of Public Works in Ireland any sum or sums not exceeding in the whole the sum of nine hundred thousand pounds.

(2) The sums so issued shall be issued during a period ending on the day on which a further Act granting money for the purposes of those loans comes into operation and in accordance with the provisions of the National Debt and Local Loans Act, 1887 [50 & 51 Vict. c. 16].

3. *Consolidation of loans to London School Board transferred to London County Council.*] Whereas by the Education (London) Act, 1903 [3 Edw. 7, c. 24], there has been transferred to the London County

Council the liability for the repayment to the Public Works Loan Commissioners of all loans advanced by the Commissioners for the repayment whereof the London School Board were prior to the transfer liable:

And whereas a large proportion of those loans bear interest at the rate of three pounds ten shillings per cent. per annum, and are by the terms of the borrowing repayable by equal yearly or half-yearly instalments of principal or of principal and interest combined within periods which will expire at various dates in or between the years nineteen hundred and eight and nineteen hundred and twenty-nine:

And whereas the Commissioners and the London County Council desire to enter into such an agreement with respect to the repayment of the said loans as is herein-after mentioned, and it is expedient that they should be authorised to do so

Therefore it shall be lawful for the Commissioners and the London County Council to enter into an agreement whereby the outstanding balances of such of the said loans as bear interest at three pounds ten shillings per cent. per annum shall be made repayable with interest at the rate aforesaid by equal yearly or half-yearly instalments within a period expiring on the thirty-first day of March nineteen hundred and twenty-six, and such an agreement shall have effect accordingly, notwithstanding anything contained in any Act, order, or sanction relating to the lending or borrowing of such loans, or any of them.

4. *Certain debts not to be reckoned as assets of local loans fund.*] Whereas it is expedient that the principal of the several local loans specified in the schedule to this Act should, to the extent specified in the last column of that schedule, not be reckoned as assets of the local loans fund established under the National Debt and Local Loans Act, 1887; therefore, the principal of the said loans shall to that extent be written off from the assets of the local loans fund, and the provisions of section fifteen of the said Act shall, so far as applicable, apply thereto.

5. *Short title.*] This Act may be cited as the Public Works Loans Act, 1905.

## SCHEDULE.

## PART I.

[Section 4.]

LOANS BY THE COMMISSIONERS OF PUBLIC WORKS, IRELAND.

(1) LOANS UNDER THE DRAINAGE (IRELAND) ACT, 1842 [5 & 6 Vict. c. 89].

| Name of Borrower.   | Amount of Loan. | Amount to be written off. |
|---------------------|-----------------|---------------------------|
|                     | £ s. d.         | £ s. d.                   |
| F. Spellissey . . . | 50 18 6         | 3 2 6                     |
| Rochford Boyd . . . | 98 1 2          | 1 11 0                    |
| T. Cox . . .        | 110 11 8        | 14 2 0                    |
| M. Ryan . . .       | 548 7 8         | 4 4 5                     |

(2) LOANS UNDER THE DRAINAGE MAINTENANCE ACT, 1866 (29 & 30 Vict. c. 40).

|                                     | Amount of Loan. | Amount to be written off. |
|-------------------------------------|-----------------|---------------------------|
|                                     | £ s. d.         | £ s. d.                   |
| Sundry small balances irrecoverable | 2 12 6          | 0 8 1                     |

## PART II.

LOANS BY THE FISHERY BOARD FOR SCOTLAND.  
LOANS UNDER THE CROFTERS' HOLDINGS (SCOTLAND) ACT, 1886 (49 & 50 Vict. c. 20).

| Name of Borrower.                                     | Fishery District. | Amount of Loan. | Amount to be written off. |
|---|-------------------|-----------------|---------------------------|
|   |                   | £               | £ s. d.                   |
| John McDonald   | Stornoway         | 117             | 1 19 3                    |
| Malcolm McKenzie                                      | Stornoway         | 184             | 28 13 4                   |
| Malcolm McKenzie, junr.                               |                   |                 |                           |
| Roderick McKenzie                                     |                   |                 |                           |
| Robert McKenzie, Alex. McKenzie, and Malcolm McDonald |                   |                 |                           |
| William Sinclair                                      | Helmsdale         | 60              | 3 4 8                     |

## CHAPTER 23.

[Provisional Order (Marriages) Act, 1905.]

An Act to enable Provisional Orders to be made for removing any invalidity or doubt attaching to Marriages by reason of some informality. [11th August 1905.]

Be it enacted, &c.:

1. *Provisionally orders for removing doubts as to validity of marriages.*]—(1) A Secretary of State may, in the case of marriages solemnised in England which appear to him to be invalid or of doubtful validity by reason of some informality, make a provisional order for the purpose of removing the invalidity or doubt.

(2) The draft of every such order shall be advertised in such manner as the Secretary of State thinks fit not less than one month before the order is made, and the Secretary of State shall consider all objections to the order sent to him in writing during that month, and shall, if it appears to him necessary, direct a local inquiry into the validity of any such objections.

(3) An order of the Secretary of State under this Act shall be of no force unless confirmed by Parliament, and the Secretary of State may bring in a Bill for confirming the order; and if while a Bill confirming any such order is pending in either House of Parliament a petition is presented against the order, the Bill, so far as it relates to the order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of Private Bills.

2. *Short title.*] This Act may be cited as the Provisional Order (Marriages) Act, 1905.

# INDEX TO STATUTES.

5 EDWARD 7.—A.D. 1905.

NOTE.—The capital letters placed after the chapter have the following signification :—E., that the Act relates to England (and Wales, if it so extend); S., to Scotland exclusively; I., to Ireland exclusively; U.K., to Great Britain and Ireland (and Colonies, if it so extend); Ind., to India specially; C., to the Colonies specially, or any of them.

AGRICULTURAL RATES ACT, 1896, &c., CONTINUANCE; to extend the Agricultural Rates Act, 1896, &c., Continuance Act, 1901. Ch. 8. E. & S. p. 8.

ALIENS; to amend the Law with regard to Aliens. Ch. 13. U.K. p. 5.

ARMY (ANNUAL); to provide, during twelve months, for the Discipline and Regulation of the Army. Ch. 2. U.K. p. 1.

CHURCHES (SCOTLAND); to provide for the Settlement of Certain Questions between the Free Church and the United Free Church in Scotland, and to make certain amendments of the law with respect to the Church of Scotland. Ch. 12. S. p. 4.

COAL MINES (WEIGHING OF MINERALS); to amend the provisions of the Coal Mines Regulation Act, 1887, which relate to the Weighing of Minerals. Ch. 9. U.K. p. 3.

## CONSOLIDATED FUND:

### No. 1:

— to apply certain sums out of the Consolidated Fund to the service of the years ending on the 31st March, 1905 and 1906. Ch. 1. U.K.

### No. 2:

— to apply a sum out of the Consolidated Fund to the service of the year ending on the 31st March, 1906. Ch. 6. U.K.

### APPROPRIATION:

— to apply certain sums out of the Consolidated Fund to the service of the years

ending on the 31st March, 1904 and 1906, and to appropriate the supplies granted in this Session of Parliament. Ch. 17. U.K.

EAST INDIA LOANS (RAILWAYS); to empower the Secretary of State in Council of India to raise money in the United Kingdom for the construction, extension, and equipment of railways in India, by State Agency, or through the Agency of Companies, and for other purposes. Ch. 19. U.K. p. 13.

EXPIRING LAWS CONTINUANCE; to continue various Expiring Laws. Ch. 21. U.K. p. 14.

FINANCE; to grant certain Duties of Customs and Inland Revenue, to alter other duties, and to amend the Law relating to Customs and Inland Revenue and the National Debt, and to make other provisions for the financial arrangements of the year. Ch. 4. U.K. p. 1.

ISLE OF MAN (CUSTOMS); to amend the Law with respect to Customs Duties in the Isle of Man. Ch. 16. E. p. 11.

LICENSING (IRELAND); to amend the Law as to the Hours of Closing of Licensed Premises on Christmas Day in Ireland. Ch. 3. I.

MEDICAL ACT (1886) AMENDMENT; to amend the Medical Act, 1886. Ch. 14. U.K. p. 6.

MR. SPEAKER'S RETIREMENT; to settle and secure an Annuity upon the Right Honourable William Court Gully in consideration of his eminent Services. Ch. 5. U.K. p. 2.

NAVAL WORKS; to make further provision for the construction of Works in the United Kingdom and elsewhere for the purposes of the Royal Navy. Ch. 20. U.K. p. 13.

PROVISIONAL ORDER (MARRIAGES); to enable Provisional Orders to be made for removing any invalidity or doubt attaching to Marriages by reason of some informality. Ch. 23. E. p. 16.

PUBLIC WORKS LOANS; to grant money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans. Ch. 22. U.K. p. 16.

RAILWAY FIRES; to give Compensation for Damage by Fires caused by Sparks or Cinders from Railway Engines. Ch. 11. U.K. p. 4.

SHIPOWNERS' NEGLIGENCE (REMEDIES); to enlarge the Remedies of Persons injured by the negligence of Shipowners. Ch. 10. U.K. p. 3.

TRADE-MARKS; to consolidate and amend the Law relating to Trade-Marks. Ch. 15. U.K. p. 7.

UNEMPLOYED WORKMEN; to establish organisation with a view to the provision of Employment or Assistance for Unemployed Workmen in proper cases. Ch. 18. U.K. p. 11.

WAR STORES (COMMISSION); to facilitate the proceedings of the Commissioners appointed to hold an Investigation respecting War Stores in South Africa. Ch. 7. U.K. p. 2.

LIBRARY  
OF THE  
CONGRESS

